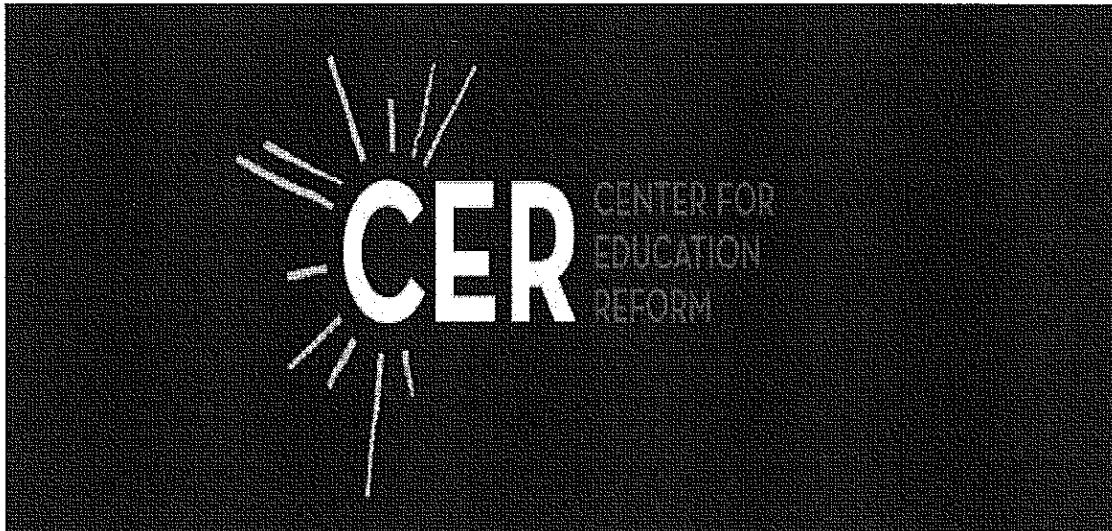


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FOR IMMEDIATE RELEASE

June 21, 2018

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U.S. Supreme Court Rules in favor of Mark Janus in *Janus v. AFSCME*

Statement by Jeanne Allen, Founder & CEO

It's a great day in Washington, DC! The high court's decision strikes a blow for the freedom guaranteed to individuals under the constitution. No citizen of the United States can be compelled to support speech that he or she does not believe in or endorse, and by upholding that constitutional protection, the court has affirmed a critical principle of freedom.

This is good news for the nation, for thousands of educators who have long been exploited by the teachers unions, and for families whose educational opportunities have been compromised by their political activity. When it comes to education, the most fundamental of all policies that shape our futures, no longer can the union compel people to support activities and positions regardless of principle.

In affirming the position of Mark Janus, the United States Supreme Court finally ends the decades-long assault on worker freedom. While unions, particularly the teachers' unions, have and will continue to decry the ruling, they would do well to look beyond the revenue-generating dollars-and-cents loss that it will entail and see the opportunity that it presents – the opportunity to secure support for their work based not on coercion, but on voluntary support from those who truly believe in the in the ideas, actions and pronouncements of any association to which they now may truly choose to belong.

Education in America is in the midst of a major transformation, which is struggling to realize its full potential in the face of limiting contractual and oppositional forces. From apathy to lack of knowledge to deliberate impediments created by unions, these obstacles have kept education from advancing into 21st century.

The unions now have a chance to join the movement, and embrace the cause of improving education for parents seeking new opportunities for their children, and for children in need of opportunities for innovative individualized learning options, or they get out of the way entirely. While hope springs eternal, we doubt, sadly, that wither will occur. Thankfully, however, teachers will now be able to exercise their own power in impacting the needs of children and families in the education process and policies supporting it.

Kudos to the Court, to Mark Janus, to Rebecca Friedrichs who began the journey before him, and to all who are engaged in the fight for liberty and justice.

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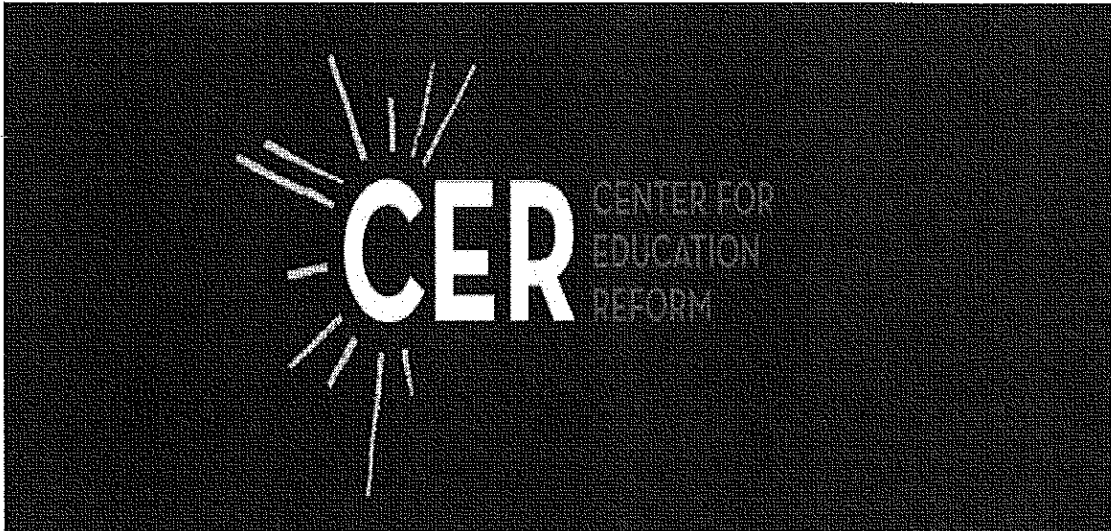
*particularly our youth ~~to~~ ensuring that conditions are ripe for innovation, freedom
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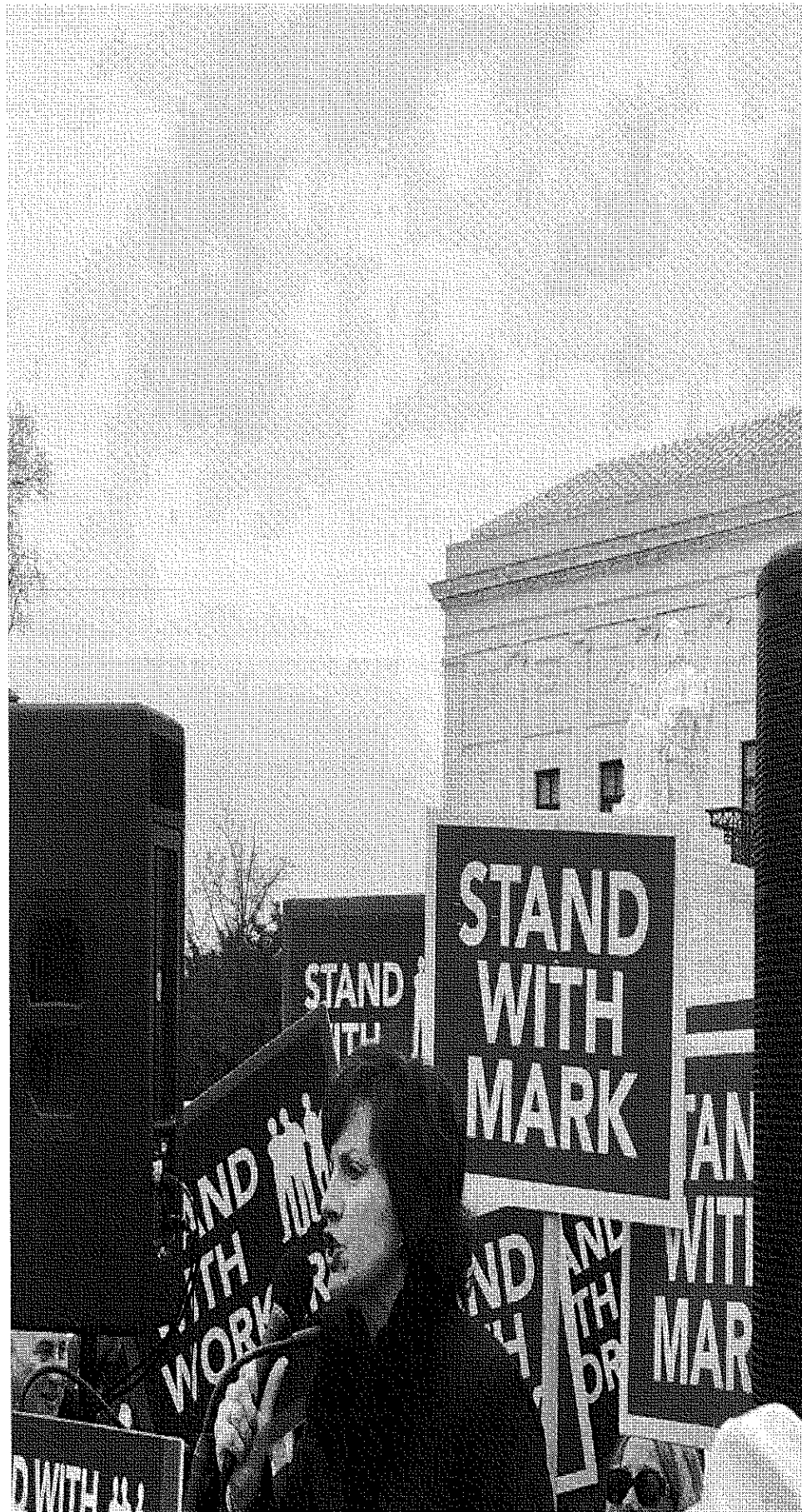
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ICYMI: In Public-Sector Union-Fees Case, SCOTUS Strikes a Blow for Freedom

by Jeanne Allen | [National Review](#) | June 27, 2018



Janus v. AFSCME is good news for the First Amendment.

The suggestion by union leaders and various pundits that the Supreme Court's decision on *Janus v. AFSCME* will somehow deny teachers a voice — and will “defund and destroy” the unions ¶ 4 is absurd.

The case addresses an individual's constitutional protection from coerced speech. It doesn't deny unions the right to organize, recruit, bargain, strike, or collect dues from willing members. What it does deny is the unions' right to force individuals who are opposed to their positions and policies to pay into union coffers.

As much as America's teachers' unions are labor organizations, they are equally or more so political organizations, lending huge support to political causes, campaigns, and candidates. *Continue reading...*

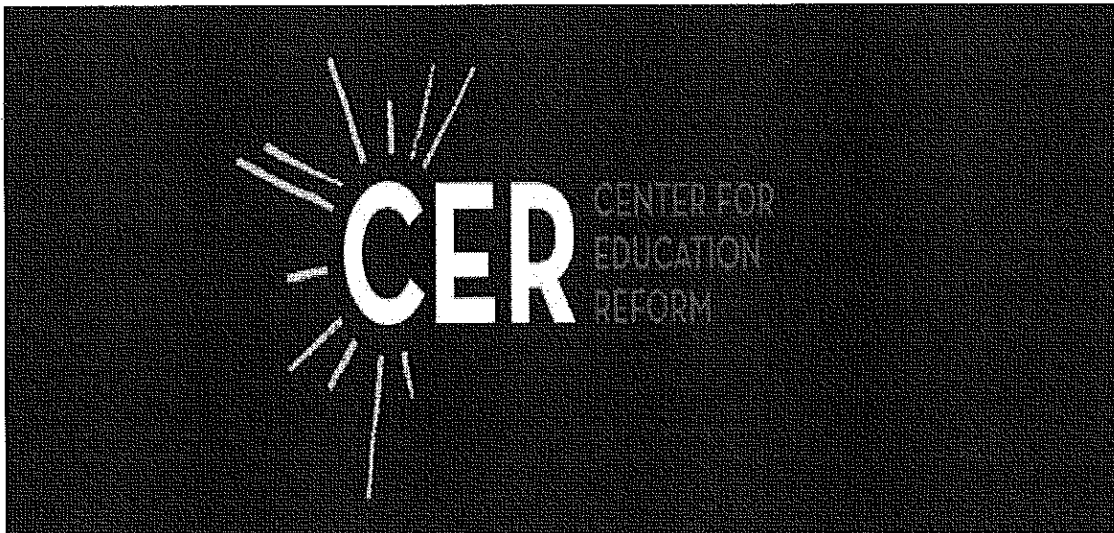
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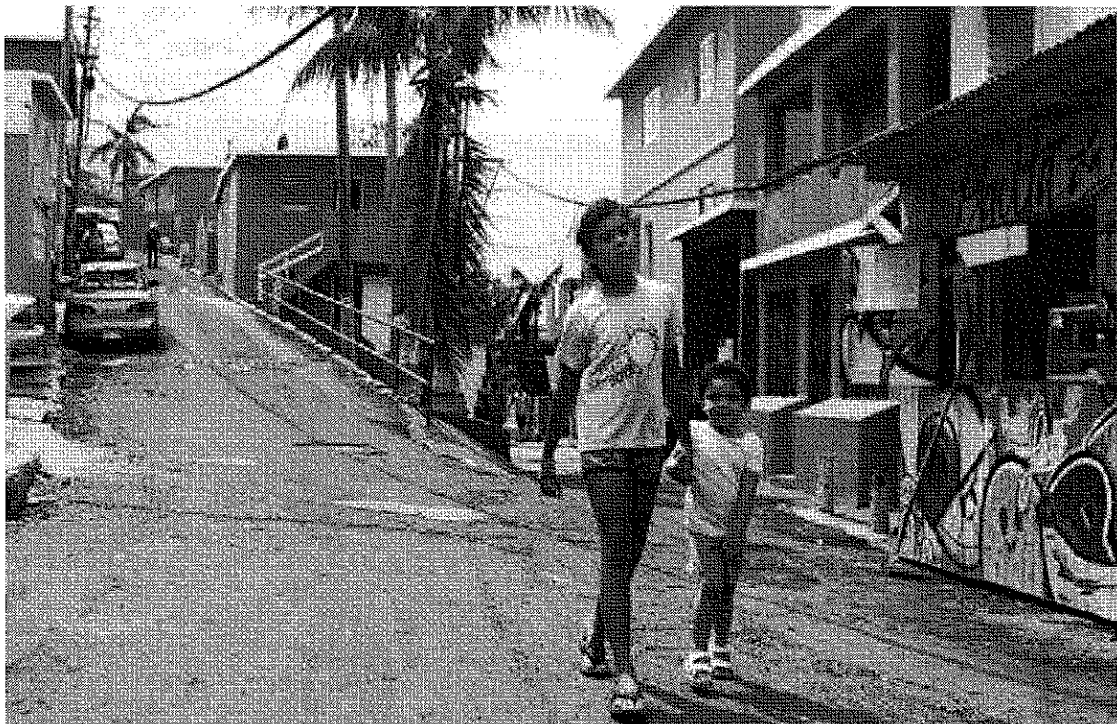
A weekly report on education news and commentary you won't find anywhere else — from the nation's leading voice on education innovation and opportunity.

A NEW HOPE FOR RELIGIOUS SCHOOLS' FREEDOM? The President's nominee to fill the vacancy that Supreme Court Justice Anthony Kennedy will create is Brett Kavanaugh, whose long history of rulings and opinions on education issues may allow for progress and real change for religious schools and school equity: *Does A Justice Kavanaugh Mean That Blaine Amendments Are History?*

A SETBACK IN PUERTO RICO. A frustrating turn of events in Puerto Rico where the hopes and plans to increase educational opportunities and innovations are being held up a judge's ruling that private school scholarships

violate Puerto Rico's Constitution and that only the University of Puerto Rico and Puerto Rico's municipalities can operate "*alianza*" (i.e. charter) schools.

Sadly, this is another case of putting children last when it comes to meeting their educational needs and, with hope, will only be a temporary set-back in delivering Gov. Rosselló's hugely needed, and hugely promising reforms. The good news is that we've seen this movie before, and the flawed decisions of courts from Washington state to Florida are usually based on education powers in constitutions not legislative powers, which in most Constitutions take precedence. [Check out this review](#), for example, from former U.S. Solicitor General Paul Clement, about a similar issue claimed but not litigated in Kentucky. We'll keep you posted.



NEA: THE "NOT EDUCATION ASSOCIATION." Somehow the NEA thought it appropriate to dedicate nearly two-thirds of the resolutions at its annual conference last week to everything BUT education? [What are some of the NEA's priority issues?](#) Here's a sample. Ensuring that Banana Republic doesn't

advertise with the union. Creating a toolkit to press for moratoria on charter school authorizations by bodies other than locally elected school boards. Advocating for lower interest rates and affordable housing programs for educators. And planning at least one action to shut down an immigration detention center, a Customs and order Patrol office, or an Immigration and Customs Enforcement office (and recruiting at least 500 educators to participate in the action who are willing to be arrested and not bailed out of jail for a week!).

AFT ALSO OUT OF TOUCH. As the AFT gears up for its rollicking annual convention and demagoguery fest we thought we'd brief you on the issues they'd be debating this year...that is until we looked at the list of a whopping 91 resolutions from 13 committees that are more appropriate to a meeting of the U.N. General Assembly than they are to addressing the educational needs of America's children and families. To be fair, they do have an "Educational Issues Committee" but things go sideways fast when we get to the committees on Healthcare, Human Rights, International Relations, Labor and the Economy, Political Action ("Resolution No. 53 'Rev It Up:' Register, Educate, Vote!") and Organizing and Collective Bargaining. Suffice it to say they will be discussing a lot of things, most of which have little or nothing to do with educating children. If you are so inclined, you can read every word of every resolution [here](#).

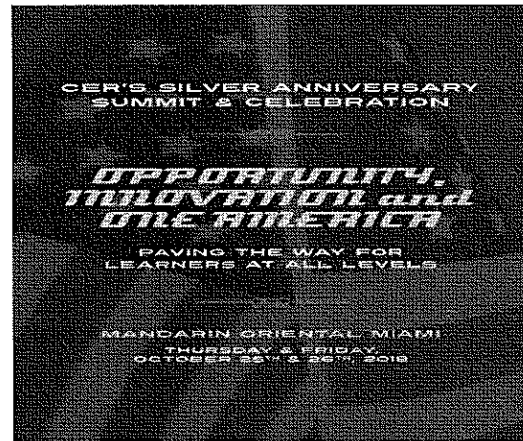
NOTE TO UNIONS: You're supposed to be looking for ways to improve your standing after Janus not get farther away from the mission upon which you were founded.

HEARING IT DIRECTLY FROM MARK JANUS. Along with many of our most respected colleagues, we've been glued to the Janus v. AFSCME litigation proceedings since the beginning. We've [covered](#), [interviewed](#) and reported on the subject. But nothing compares to hearing it from the horse's mouth. [Here's](#) Mark Janus explaining his "why" after the historic decision.

TO NBC: NOT TO SAY, 'WE TOLD YOU SO' BUT... The Grade, by Alexander Russo, offers up a great article over the irresponsibly story alleging charter schools are creating "white flight" from traditional public schools. The contention is absurd, and we said so, but the Grade goes even further. A very brief synopsis of its critique: *"...unfortunately, the [NBC/Hechinger] piece fails badly at its larger attempt, which is to assert that this kind of charter school is a significant problem nationally. Despite all efforts to make it seem otherwise, the data presented in the story do not support the claim that segregated white charters are a big problem."* Read the full article here.

COMPETITION. Pennsylvania's Bensalem school district hired a consultant to tell them why so many families were choosing charter schools over district schools. The consultant's explanation: with charter schools as an option for families, districts must compete for students, which means they have to improve in areas where they are lacking – be that in performance or programs or in working with parents. "Of course," the article concludes correctly, "competition is what the charter school law was supposed to produce — because competition drives excellence." = 2

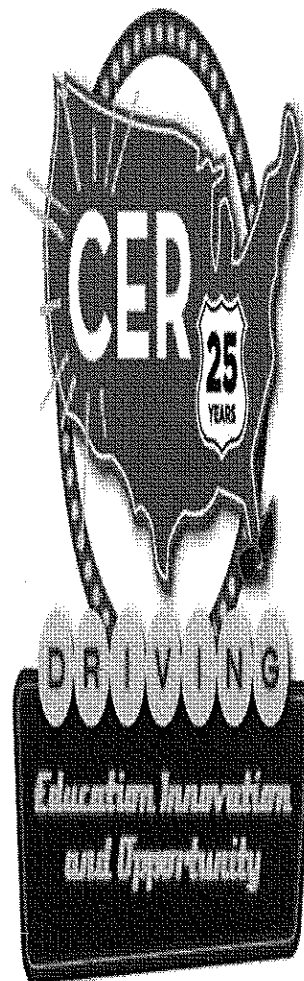
THE ROAD TO INNOVATION IS PAVED WITH SILVER... This week we are pleased to announce the addition of Arizona State University as a partner in CER's Silver Anniversary Summit. We're grateful for the pathbreaking leadership of ASU and it's visionary president Michael Crow in their myriad endeavors. Start your engines and make your way to Miami on October 26th! Registration opens this week!



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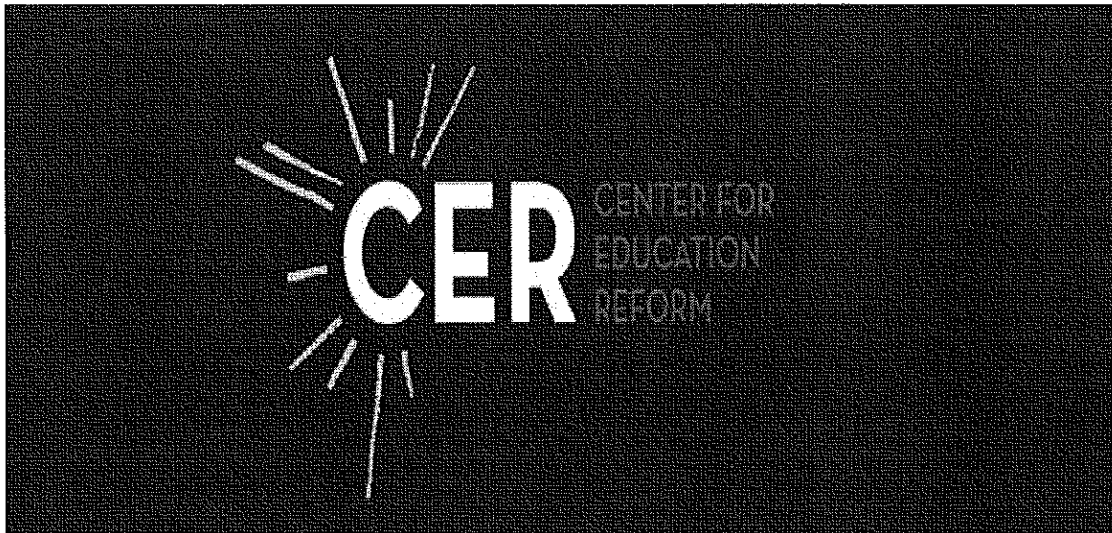
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POLITICS AS USUAL. As if on cue to lend credence to the wisdom of the Supreme Court's *Janus v. AFSCME* decision (which frees individuals from being forced to fund unions they don't support) last week's AFT annual meeting more closely resembled the quadrennial national party conventions than a gathering of teachers devoted to education and learning. Not only was the AFT's laundry list of resolutions laced with criticism of the current administration, former Secretary of State Hillary Clinton and current Senators Elizabeth Warren and Bernie Sanders all showed up to rally the troops and lead the charge toward political victory in November and beyond!!! Also joining in the AFT's pep rally and cheerleading tryouts were noted labor bosses, Lee

Saunders (AFSCME), Lily Eskelsen-Garcia, (NEA), and Mary Kay Henry (SEIU). Notably absent – any talk of meaningful reform of schools and everyone whose ideas, opinions, or political leanings don't conform to the union leaders' views of America.

THE WRONG RESPONSE. Of course much of the AFT's focus was on the biggest issue of concern to parents and children across the country: the impact of Janus on the union! Leading the way in the torches-and-pitchforks rally was AFT president Randi Weingarten who was= on a tear orating, among other things, about how "They [the infamous and dangerous "they"] have attacked us and perverted and weaponized the First Amendment, the freedom of speech in a way that no one recognizes."

SCHOOLYARD SCUFFLE. There's never been any love lost between Nevada's competing teachers unions – Clark County Education Association (CCEA) and the new National Education Association of Southern Nevada (NEA-SN) – but now their relationship has devolved into a playground hair-pulling affair complete with name-calling and fit-throwing. The problem comes down to who's taking members away from whom and is best explained by an impartial observer who says it's all about money. "I hate to be so crass to say it that way, but if you lose 10,000 members that's money that's gone." Offers another observer: "The only word that comes to my mind is incompetency." Oh well. If nothing else, at least the unions' priorities are nicely aligned with their national counterparts.

A BIG CHANGE IN THE BIG EASY. After hurricane Katrina back in 2005 Louisiana abolished its old, failing, school system in favor of a system of charter schools. So how has it worked out? As *The New York Times* reports "...academic progress has been remarkable. Performance on every kind of standardized test has surged." A caution is in order, however. The Time's piece was sparked by the state returning schools to "local control" – to the Orleans Parish School Board, for example which has historically opposed giving any power to schools or autonomy to individuals – and threatens to be a step

toward a return to the structure, and mindset, that doomed New Orleans students to violent and chronically failing schools before Katrina.

NOW THERE'S A THOUGHT. A well-reasoned piece out of New Mexico where an op-ed – "Bureaucracy stifles innovation at NM schools" – points to the need for an education system that provides "innovative solutions that fit local needs? 6we should be asking, what does your local community need from its graduates and what experiences will prepare them for the future? Or, how can we give students real-life internship experiences that teach students the skills they need to be prepared in our ever-changing workforce?" Here, here!

THOSE DARN PARENTS. It won't come as a shock to learn that as enrollment in charter schools in North Carolina rises, and attendance in the state's traditional public schools falls – it's down, for the third straight year, to 81 percent and falling fast – the status quo sees a conspiracy afoot to "dismantle public schools." But when you open the gates and people can leave = 2 and they do – it says something about the existing offerings. Advocates of traditional public school shouldn't complain but figure out how to keep students without calling parents undemocratic or accusing them of trying to dismantle the public schools simply because they their kids educated to their own needs.

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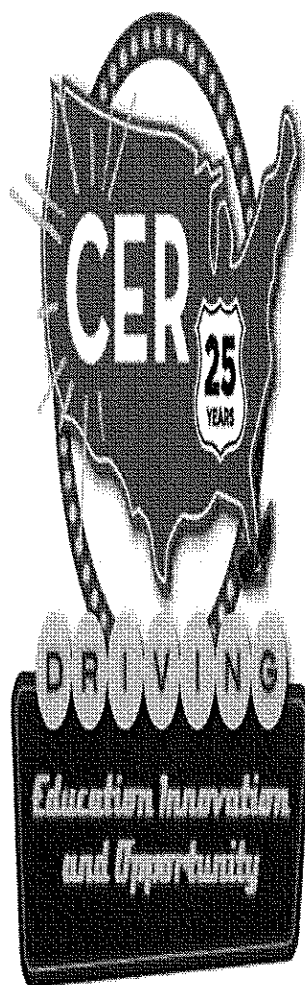
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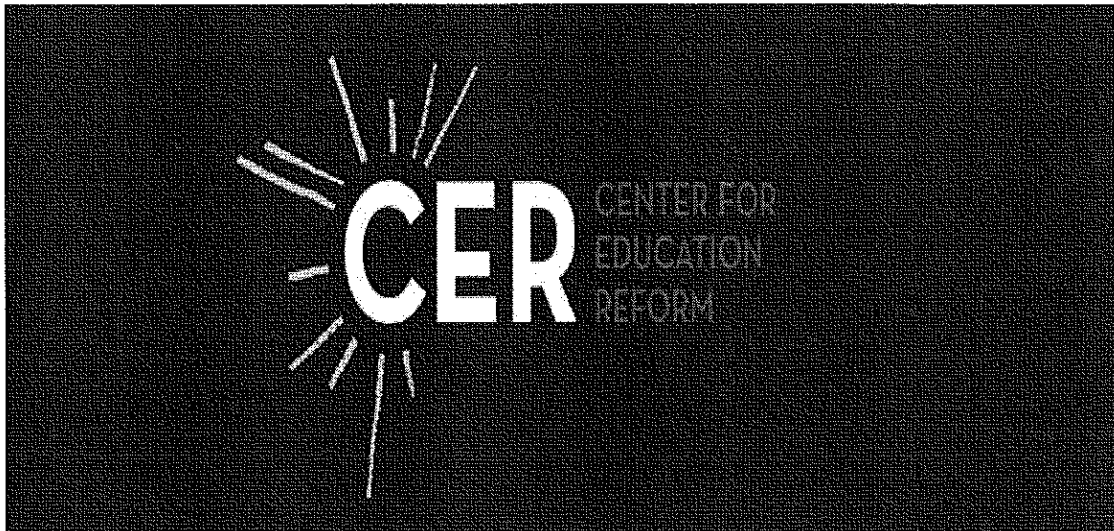
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A PERSONALIZED FUTURE. An overview of the Summit Learning Program and four schools that have adopted the approach provides a glimpse into a future of education that could be closer than many think. An excerpt: =
Twenty percent of the school day is devoted to what Summit calls Personalized Learning Time, or what students more commonly call PLT. Using their laptops, students log into the Summit Learning Platform and access online playlists related to topics such as the structure of DNA and trigonometric ratios. 'PLT is my favorite,' said Ely Villagrana, a 9th-grader. Just as technology facilitates student learning, it also helps teachers connect with

students, said Nicholas Kim, who was the school principal from 2013-17. "We have so much clarity about what students know and can do," he said.



WHITTLE SCHOOL & STUDIOS. Speaking of the future, if you haven't been following the activities of Chris Whittle (education entrepreneur, reform pioneer, and, we're honored to say CER board member) over the last couple of years, you've missed a lot, namely, the formation of Whittle School & Studios – the world's first truly global school which will offer a reimagined PreK-12 education for the modern world to provide children with the tools and knowledge they need to succeed in a modern world. . (The first two campuses are slated to open in the fall of 2019 in Washington, D.C. and Shenzhen,

China). Also of note, you can nominate a student for the Founding Whittle Scholars program – a highly selective scholarship for exceptional, high-achieving students ~~to~~ offering scholarships that will cover 50%-100% of the cost of attending Whittle School & Studios! (A WS&S open house – featuring faculty, school and division heads, demonstrations of experiential learning methods, and more – is scheduled for September 30, so mark your calendar.) [Read here for more information.](#)

THE UNIONS... *Continued* It ~~is~~ ^{is} like a new reality TV drama. Every week a new episode! This week, the action moves to Utah, where the teachers' union, the Utah Education Association, has canceled its annual convention for 2018 citing years of declining participation (less than a quarter of its 18,000 members attended the event in 2017). Turns out that the state used to compensate teachers for participating in the conference; now, only a few districts do. The event also was once the only place where educators could fulfill continuing education requirements or get credits to keep a license up to date; for years, however, even better ways exist to do so online. So what other reasons do teachers have to attend the annual labor shindig? [Apparently, none.](#)

THAT DIDN'T TAKE LONG. Anticipating steep membership and funding losses as a result of the Supreme Court's recent decision in *Janus v. AFSCME* the education unions, in this case the American Federation of School Administrators, are going on the prowl for new blood. Their target: charter school leaders. [As EdWeek reports](#), "The largely non-unionized charter sector could present ample—albeit rocky—territory for expansion for unions." Rocky indeed. The likelihood of any of the education unions winning significant support from the charter sector is extremely low, especially given unions' long-time, on-going opposition to charters and ed reform in general. The last thing most charter school teachers and administrators want is to give up their freedom to support out-of-touch and out-of-step labor bosses.

SO WE'RE ALL IN AGREEMENT. In addressing an issue we've been harping on for years, last week the House passed – unanimously – and the President signed this week The Strengthening Career and Technical Education for the 21st Century Act that looks to close a skills gap by helping post-secondary students receive on-the-job training in fields short on skilled workers like manufacturing, health care and cybersecurity. However, what's now in law isn't nearly innovative and expansive as it could and should be. Indeed we wonder why CTE legislation isn't more closely tied to higher ed legislation, something we will be talking more about in the coming days, weeks and months as CER is dedicated to bringing the transformations in education it is known for in the K-12 sector to all facets of higher learning and workplace preparation as well. Schools are thrilled of course that the new CTE bill increases funding for the Carl D. Perkins Career and Technical Education Program so more students can participate, and lawmakers are happy that it shifts the authority to local states and community colleges and high schools, something reinforced by Senator Lamar Alexander when his chamber passed the bill last week. But we must do more than send money to local programs – we must actually change the way we do business in educating and training students for their future in dramatic new ways. Anyway, we know most agree. We'll keep demanding it, too.

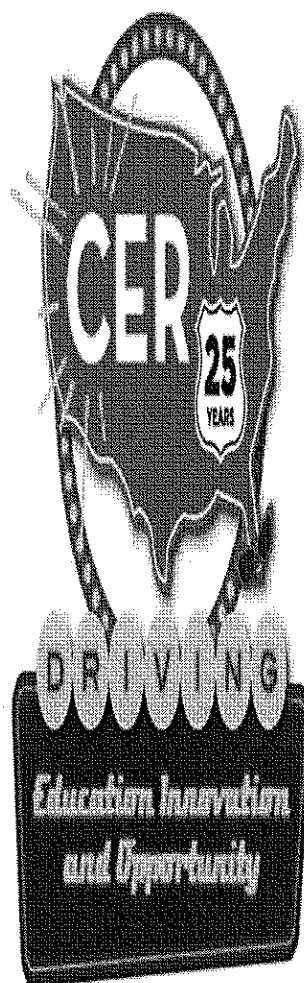
A STRONG EDITORIAL POSITION IN RI. The editorial board of the Providence Journal issued a strong statement this week: Rhode Island Needs More Charters, writing, in part: "The demand for charter schools far outweighs the availability. Last year, the state's charter schools received more than 15,000 applications for about 1,700 available seats... That is a stunning statement that traditional schools are not serving the needs of large numbers of students — and that the state's weak and timid educational reforms are not cutting it... Our society pays a steep price for each child who might have gained a first-rate education but does not. Education is the key to opportunity for all. Rhode Island's failure to do whatever it takes to help poor and minority children thrive is a tragedy that will have lasting implications."

AGAIN WITH THE MAYOR. NYC's Success Academy CEO Eva Moskowitz wants to put middle school students in the space formerly occupied by her elementary school, which she operated until June, but because she didn't ask to make the change last February, she's getting tossed from the space. An appeal to Mayor de Blasio, Moskowitz wrote: "Throughout your political career, you have promised New Yorkers protection from landlords who are egregiously unfair. Yet without urgent action, it will be your own administration that evicts 70 diverse children, plus their teachers and staff, from a nearly-empty school building without cause." This is just the latest battle in Moskowitz's on-going war with de Blasio to free-up space for charters in NYC and it's time the mayor ends his opposition. (Listen to a conversation with Eva Moskowitz from earlier this year on Reality Check with Jeanne Allen, Episode 18)

REALITY CHECK WITH JEANNE ALLEN, EPISODE 31. Listen in on Jeanne's conversation with Mike McShane, Director of National Research for EdChoice in Indianapolis, as they discuss educational options and the affects the newest Supreme Court Justice nominee might have on opportunities.

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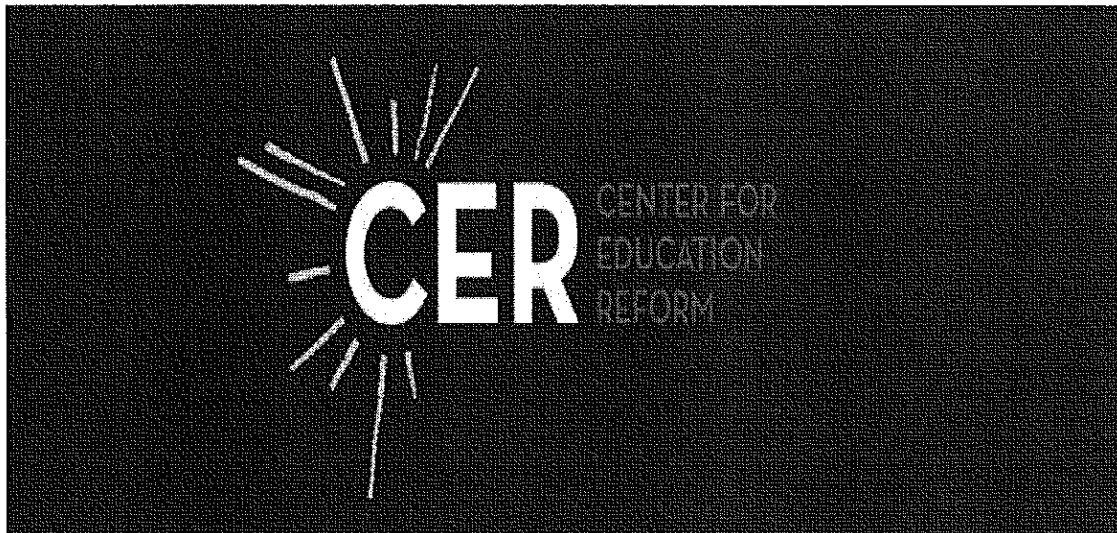
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BACK TO SCHOOL WITH TEACHER STRIKES. The teachers union in Puerto Rico is [gearing up for a strike](#) next week. Among their list of demands: no to educational opportunity that would bring desperately needed educational options to families on the island. This strike is yet another indication of why the *Janus v. AFSCME* case was necessary. Unions continue to do what they want despite what other people want. With Puerto Rico's latest test scores showing less than 35% of students are proficient in math and only 10% of students in grades 7, 8 and 11 passing standardized tests last year, there is a reason why families are choosing to leave the island in search of better opportunities for their children. Unions' actions in PR only underscore the

importance of the recently-won freedoms for workers in the Supreme Court's *Janus* decision. Organized labor could focus on protecting those freedoms, or ensuring that all of the students in Puerto Rico have a qualified educator in front of them who wants to teach in the classroom, instead of walking out on the children who need them most...

MEANWHILE, IN LOS ANGELES. Unions in the nation's second largest school district are also reportedly thinking about striking. Let's be clear – it doesn't matter the time nor place nor school district a teacher strike occurs, the group that suffers the most are the students. NAEP scores continue to show little to no improvement for students. Only 37 percent of our nation's 4th graders are reading proficiently, yet teachers are opting to be OUT of the classroom. In which universe does this make sense?

BUT WHAT DO PARENTS WANT? According to a survey by Democrats for Education Reform, they want meaningful progress that delivers options that are better for their children –reaffirming the ever-growing consensus in most polls by parents and families that educational options of any kind are welcome and needed changes in their communities and lives. These "Education Progressives" as DFER is calling them, are into expanding public school choice and rewarding quality teachers. They seem to understand that funding alone is not the answer – and indicate the continued uptick in the public's support for choice. Don't believe us? Read for yourself...

NEW EDUCATION FINANCING TOOLS – LET'S TALK ABOUT IT. There's one thing that's clear – policies that promote opportunities for innovation in education open up endless possibilities to individualize education to fit the needs of the student. ExcelinEd has developed three new resources aimed at helping policymakers understand performance funding better including a framework of the funding model, a tool that models performance funding for a state, and an issue brief that describes early findings from using the tool.

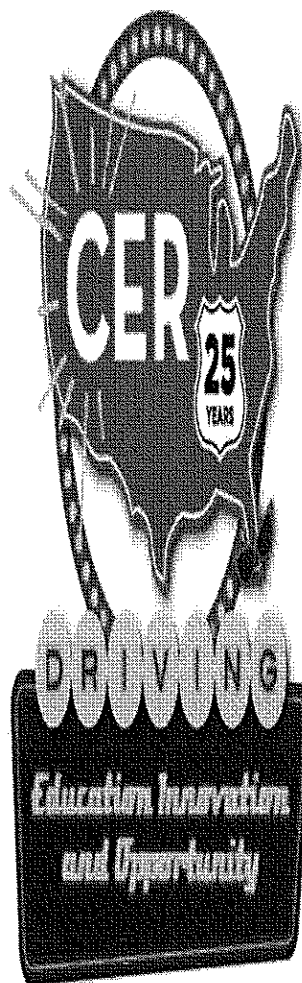
NEW SCHOOLS FOR CRISTO REY NETWORK. Congratulations to the Cristo Rey Network on the opening of three schools in Oakland, CA and Fort Worth, Texas. Cristo Rey Oklahoma City Catholic High School is their first school located on a university campus at Oklahoma State University. Check out their amazing statistics on their winning education model.

REALITY CHECK WITH JEANNE ALLEN HITS THE ROAD!

#SUMMERTIMewithCER. It's summer and many of us are hitting the road for vacation at the beach or some other place for rest and relaxation. What's better than having a daily dose of beach-worthy podcasts selected for your listening pleasure? Follow us at @edreform as we release a podcast a day just for you! Don't want to wait? No problem! You can find a list of all of our podcasts on our website.

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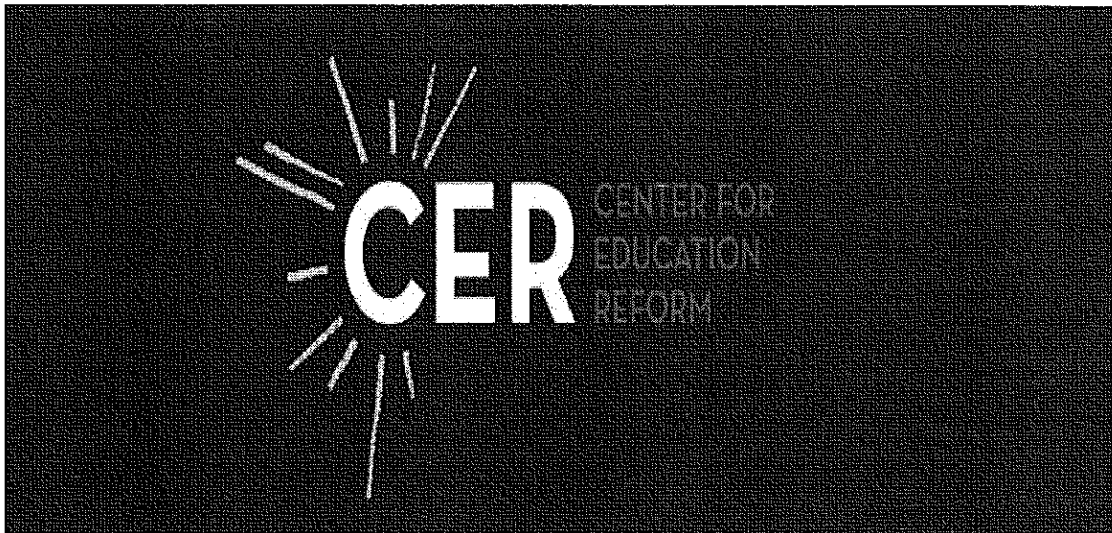
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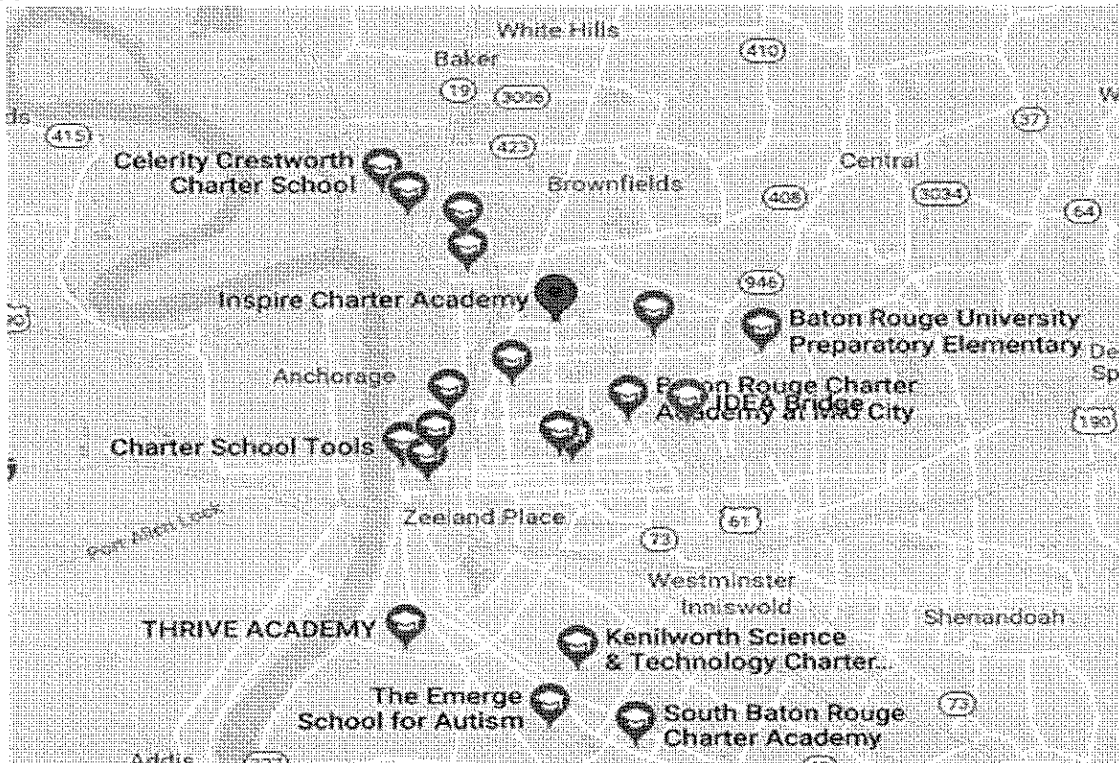
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BATON ROUGE IS HOT. Yep, you read that right. Dozens of schools, including the city's very first, Children's Charter School, took kids back to school this year, and the opportunities in this community that was once close to the bottom of all Louisiana are not promising and innovative. Thanks to the variety of local and national providers, students have lots of variety. There's GEO Prep Academy Greater Baton Rouge, INSPIRE, an NHA School which is a community favorite; Democracy Prep and BASIS is the new kid on the block with a 40,000 square foot state of the art building that promises rigor and world-class programming. These schools are part of the new Innovation Zone created in Baton Rouge. It's a hot city in lots of ways, thanks in large part to

the advent of the charter idea. Let's hope they continue to grow and thrive (and that those pesky regulators give them a chance to succeed!)

= A



SURVEY SAYS! Another poll, another body of evidence that parents and educators support more opportunities to tailor schools to the needs of kids they support or serve. This time around it's EdNext, whose latest poll shows increased support for educational choice but is it anything new? Must we continue to prove the obvious - that when parents and kids have more relevant, rigorous and diverse opportunities they will pick a school other than that to which they are assigned? Just look at Baton Rouge above, or Washington, DC, NYC, or any town large or small where innovation has been introduced. In a week the annual Phi Delta Kappa poll will be out again, and they will have something else to say. Then the press and the pundits will scurry to make pronouncements about what it all means. So, bring on the surveys and polls but remember what really matters is what's happening back

to school all over the US. If it works, let's duplicate it. If it doesn't, let's move on. That's what parents think and do when given a chance.

ANOTHER INTERESTING TIDBIT. Respondents prefer the DeVos era Ed Department over Obama's. To read about this and more go to [EdNext](#).

GLOBAL INNOVATION. A great conversation about global ed tech is never far away. CER leadership had the pleasure of being in the company of [VIPKID](#) at their Dallas regional conference at the George W. Bush Presidential Library. VIP Kid seeks to link the world through education by providing an international learning experience. They do so by giving US teachers an opportunity to help educate students in China by teaching them English...all online! Needless to say, this amazing opportunity for global cooperation shows what's possible with the parameters of educational options are endless. Former First Lady of the United States Mrs. Laura Bush was there to give her support to this global initiative. "Education gives us power," she reminded us.

A REAL 45 RECORD. Congratulations to the American Legislative Exchange Council or as we know them - [ALEC](#), celebrating 45 years in ensuring that policymakers have cutting edge information across all issues, including education. As we traveled to New Orleans to salute this organization, their impact on society was evident. Not only did Mark Janus, the plaintiff in the *Janus v. AFSCME* case join them to discuss his case, but over the years, ALEC has been able to boast that their members who started as legislators often became governors and members of Congress. People like Wisconsin Governor Scott Walker, Oklahoma's Mary Fallon and Senator Tim Scott (South Carolina) to name just three, and all who've been staunch advocates for education reform, no matter what the odds or liabilities might be. Kudos to ALEC for leading the way!

VOTE FOR US! SXSW – We're going to SXSW EDU in March 2019 and need your help to make sure our panel is featured! To participate in the voting process, visit panelpicker.sxsw.com/vote and **login or create an**

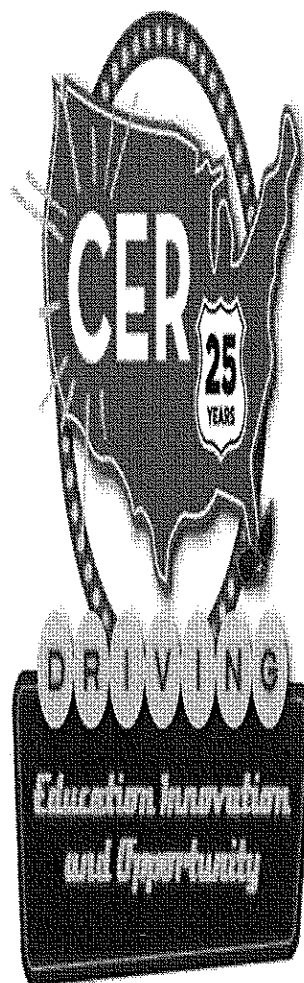
account. For more information about the voting process visit the [SXSW PanelPicker page](#). The **final deadline** for getting in your votes is **August 30 at 11:59pm PT**. We appreciate your support!



NEW HOPE FOR PUERTO RICO FAMILIES. Read how “there is no end to what can be done if people are willing to look beyond their petty differences.” Jeanne Allen’s latest in the Washington Examiner, [‘Educational opportunity comes to Puerto Rico’](#) tells why new opportunities in Puerto Rico are a good thing – and just a start.

ARE YOU ON THE ROAD TO INNOVATION? Route 66 may not end in Miami, but we are following Innovation's proverbial big super highway to Miami, FL on October 26th to carve a new pathway for education transformation, and a road to the future for all. *Just 66 days are left* – book your hotel and buy your ticket today! More information at edreform.com.

Founded in 1993, the [Center for Education Reform](http://edreform.com) aims to expand educational opportunities that lead to improved economic outcomes for all Americans – particularly our youth – ensuring that conditions are ripe for innovation, freedom and flexibility throughout U.S. education.



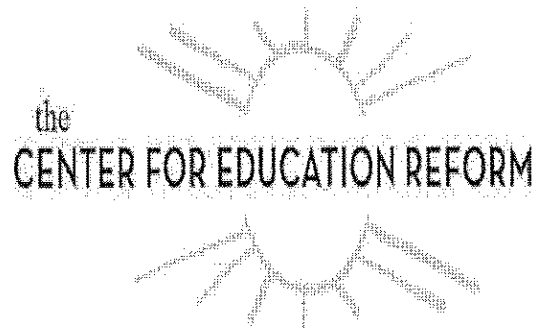
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DeVos debacle on Senate floor comes to a close, ESSA regulations to rollback, teacher freedom sees another day in court, and threats to digital learning access; all this and more in this week's Newswire...

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A weekly report on education news and commentary you won't find anywhere else — spiced with a dash of irreverence — from the nation's leading voice in school reform.

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WHILE YOU WERE SLEEPING... Senate Dems talked about DeVos all night? No, that's not what we're talking about. While you were sleeping on your comfy Posturepedic mattress, about 15 million children in poverty were probably not sleeping, and their parents were probably worried about whether they could make a future for their children, and what they'd be like if they did not get a great education (*which they don't, if you read the Nation's Report Card*) Want to talk for 24 hours? That's what the subject should be. Why don't we educate everyone? It's not money, and it's not because we don't have enough union rules to go around. It's because we limit the ability of our best educators and administrators to do their jobs, and as they're working overtime to address challenges, we limit the ability of parents to find schools that can address their

children's biggest needs, in real time. That's why the path to innovation is opportunity and why we call on our nation's leaders to get over this partisan bickering and bring real changes to American public education.

ESSA REG ROLLBACK. Perhaps the most important federal work at hand is starting over with the rules governing the Every Student Success Act, which the House is moving to do as you read this. The Congressional Review Act permits Congress to repeal regulations older than 60 days, which is the case with the Obama ESSA regs. Most education leaders and reformers are in unique agreement that the regs were an overreach and that the intent of the law was violated by numerous dictates created in them. This is why [@edreform's 100 Days Recommendations](#) outlines a path forward for lawmakers on this topic.



TEACHER FREEDOM. Teachers faced a setback in March of 2016 when the supreme court ruled issued a tied decision in the case of Friedrichs v. California Teachers Association. Most concede that had the late great Antonin Scalia been present, more teachers would be well on their way to enjoying the critical freedoms they need to be the professionals they deserve to be. The tied decision left in tact mandatory agency fees and union membership. But now there's another chance to bit the apple. A band of concerned teachers has filed another suit in their local district court to try to overturn the *Friedrichs* decision.

We will be watching closely the upcoming case of *Yohn v. California Teachers Association*.



DIGITAL ACCESS THREATENED. Given the critical need to ensure all student are able to access 21st century learning technologies (but most are still restricted to 20th century classrooms), we were struck by the ridiculous move by the new FCC chairman to reverse funding to expand broadband access to students who have little. Not only does access to digital learning technologies expand the potential for school choice that the Trump Administration has vowed to support, but it also helps with expanding infrastructure in rural communities and putting people to work. Again, for a primer on why this is important, check out CER's 100 Days recommendations to help expand education in rural communities.



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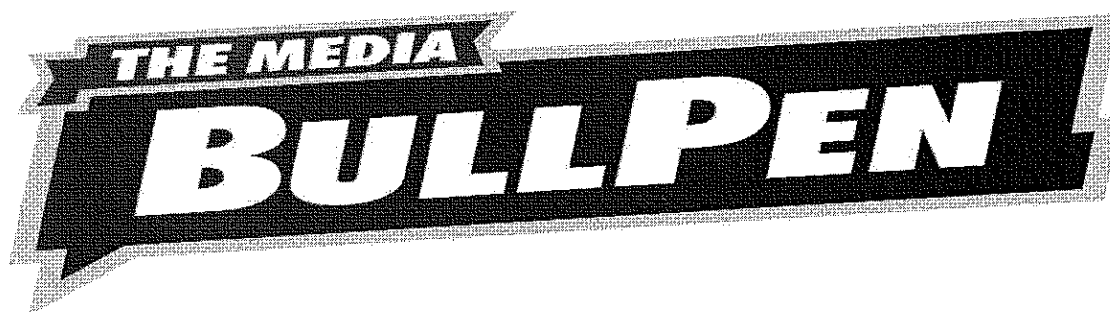
FIRST 100 DAYS

In the News...

A leading pioneer of school reform from Philadelphia writes on *why the fight on DeVos is irrelevant.*

Education Week hosts [Jeanne Allen's commentary](#) on how advocates are strangling charter schools, and what the feds can actually do about it.

...And don't forget, more clips can always be found at CER's [Media Bullpen!](#)



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From: CER Newswire <news@edreform.com>
Sent: Tuesday, February 7, 2017 12:24 PM
To: Rep07
Subject: CER Newswire: Schooling Poverty

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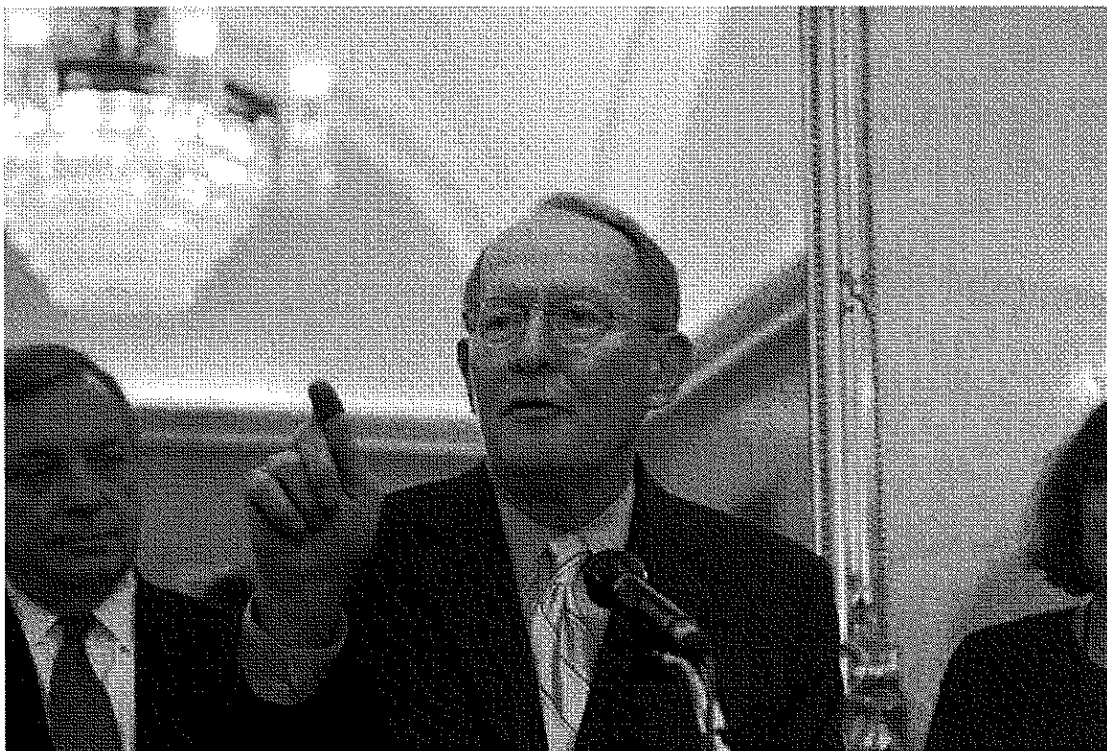
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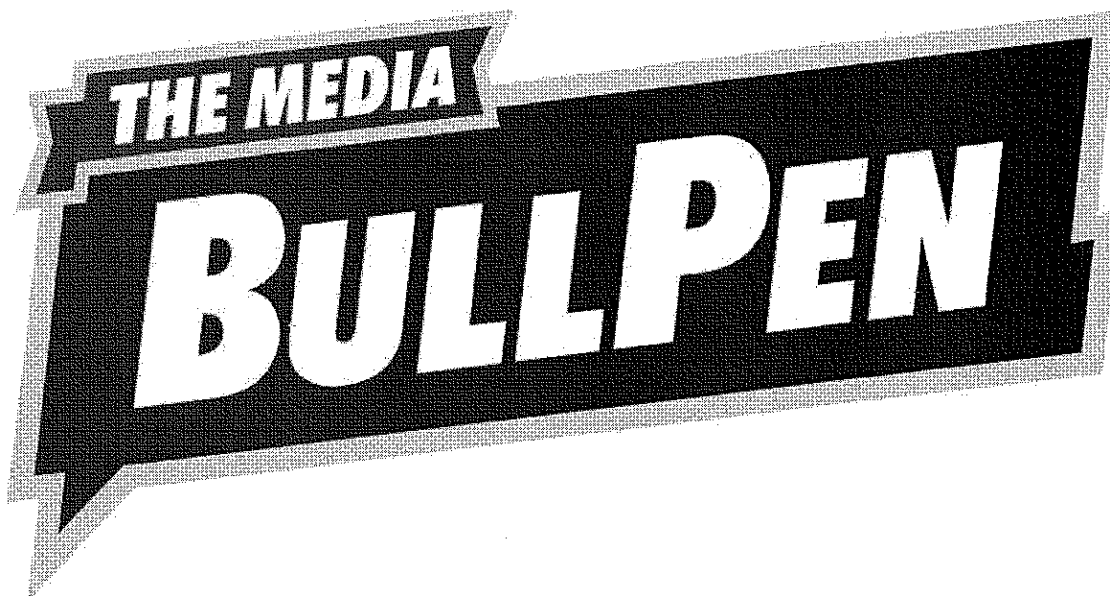


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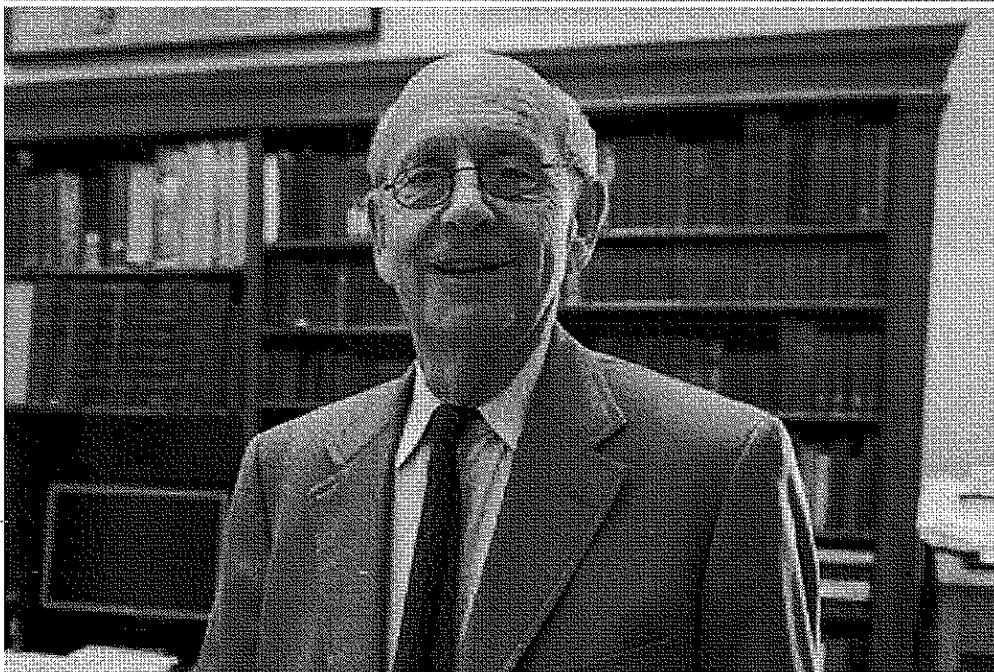
From: Public Policy Law360 <news-q@law360.com>
Sent: Wednesday, July 12, 2017 4:25 AM
To: Rep07
Subject: EXCLUSIVE: Justice Breyer On The Limits Of Presidential Power



Wednesday, July 12, 2017



SUPREME COURT



EXCLUSIVE: Justice Breyer On The Limits Of Presidential Power

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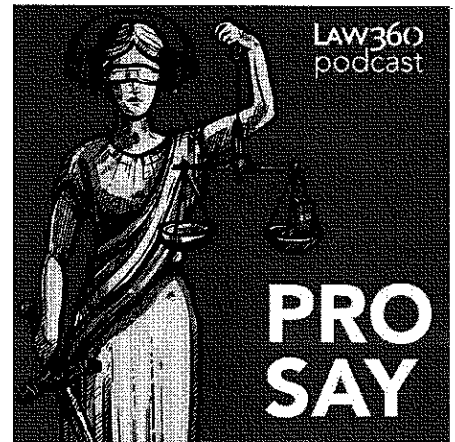
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Greenspoon Marder
Hadsell Stormer
Holland & Knight
Horwood Marcus

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California Gov. Jerry Brown and state lawmakers announced plans Monday to extend the state's cap-and-trade program by 10 years, through 2030, after an initial 2020 sunset date, with provisions that will require pollution monitoring in particularly polluted neighborhoods. [Read more »](#)

White House IT Director Roped Into Voter Privacy Row

Privacy advocates on Tuesday sought to expand their lawsuit in the District of Columbia federal court against the president's voter fraud panel to include the White House's tech director, saying the government can't duck claims the plan is an unsafe intrusion by simply changing transmission systems. [Read more »](#)

Sen. Cotton Starts Process To Rescind CFPB Arbitration Rule

Senate Banking Committee member Tom Cotton said Tuesday he is moving to block the Consumer Financial Protection Bureau's new final rule clamping down on financial companies' use of arbitration clauses to bar consumers from filing class action lawsuits, calling it an "anti-business regulation" that will hurt consumers and prompt frivolous lawsuits. [Read more »](#)

Analysis

Trump Jr. Only Draws More Scrutiny With Email Tweets

Donald Trump Jr. may have thought he had little to lose Tuesday by tweeting a chain of emails concerning his meeting with a Russian lawyer who promised dirt on Hillary Clinton, but his attempt at transparency will likely just invite more questions about what he knew of suspected Kremlin interference with the U.S. presidential election, attorneys say. [Read more »](#)

ENERGY & ENVIRONMENTAL

2nd Circ. Ruling Backs Nuclear Subsidies, NY Regulator Says

New York utility regulators Monday pushed for the dismissal of a challenge to a state plan to subsidize struggling nuclear power plants, contending that a Second Circuit decision from June upholding a Connecticut program for soliciting renewable energy projects shows the New York plan doesn't run afoul of federal law. [Read more »](#)

EPA Floats Lifting Pebble Mine Block In Alaska

The U.S. Environmental Protection Agency on Tuesday said it wants to withdraw a proposal to block a massive open-pit mine in Alaska near the world's largest sockeye salmon fishery, fulfilling one of its obligations under a settlement reached earlier this year with the project developer. [Read more »](#)

Enviros, Tribal Groups Sue BLM Over Methane Rule Delay

Environmental and tribal citizen groups hit the U.S. Bureau of Land Management with a complaint Monday in California federal court, alleging the agency's decision to delay an Obama-era regulation to reduce methane waste on public land is illegal and will cost states, tribes and local governments millions in lost revenue. [Read more »](#)

Enviros Expand Border Wall Suit, Attack Lack Of Studies

Jackson Lewis
Jenner & Block
Kellogg Hansen
Kirkland & Ellis
Linklaters
McAfee & Taft
McCarter & English
Morvillo LLP
Novak Druce
Pepper Hamilton
Polsinelli
Quarles & Brady
Reed Smith
Shearman & Sterling
Slaughter and May
Spiegel & McDiarmid
Thompson Coburn
Western Environmental Law Center
Wiley Rein
WilmerHale
Winston & Strawn

COMPANIES

AT&T Inc.
Air Line Pilots Association International
Alliance of Automobile Manufacturers
American Civil Liberties Union
American Federation of State, County and Municipal Employees
American Petroleum Institute Inc.
Associated Press
Center for Biological Diversity Inc.
Competitive Enterprise Institute
Council Of Better Business Bureaus Inc.
Electronic Privacy Information Center
Environmental Defense Fund Inc.
FedEx Corporation
Florida Immigrant Coalition
Global Automakers
John Wiley & Sons, Inc.
Microsoft Corporation
National Association of Broadcasters

The Trump administration is violating federal environmental laws by plowing ahead with prototype projects for a wall on the nation's southern border without first evaluating the potential impact on the environment, including on endangered creatures such as the Quino checkerspot butterfly, an environmental group has alleged. [Read more »](#)

HEALTH & LIFE SCIENCES

Akin Gump Nabs Ex-FDA Deputy Chief

Akin Gump Strauss Hauer & Feld LLP has brought aboard a high-ranking U.S. Food and Drug Administration official who oversaw much of the recent revolution in supply chain safety, the firm announced Tuesday. [Read more »](#)

TRANSPORTATION & INFRASTRUCTURE

House Transpo Panel Eyes \$900M For Hudson Tunnel Project

A crucial new rail tunnel under the Hudson River would receive \$900 million in federal funds under a draft transportation spending bill released Monday by the House Appropriations Committee, a major boost to yearslong efforts to overhaul a major New York to New Jersey artery. [Read more »](#)

NHTSA Reconsidering Maximum Fuel Efficiency Penalties

The National Highway Traffic Safety Administration is indefinitely delaying the institution of higher maximum penalties for automakers who don't meet fuel efficiency standards as the agency seeks further comment on the proposed change, according to two notices released Tuesday. [Read more »](#)

Don't Send GWB Scandal Architect To Prison, Court Told

The architect of the George Washington Bridge lane-closing scandal and prosecutors have called on a New Jersey federal court to sentence him on Wednesday to probation instead of prison for his role in the political revenge scheme, with the government crediting his cooperation for the convictions of two fellow conspirators. [Read more »](#)

EMPLOYMENT

Think Tank Says High Court Should Take Up Union Dues Case

The Competitive Enterprise Institute on Monday threw its support behind a nonunion Illinois state employee's challenge to mandatory public sector union dues at the U.S. Supreme Court, saying the labor union in the case has used so-called agency fees to pay for political and ideological advocacy. [Read more »](#)

Dems Tell Trump To Expand Paid Family Leave Plan

A group of more than 100 Democratic lawmakers, led by Rep. Rosa DeLauro, D-Conn., on Monday asked the Trump administration to broaden the proposal for paid family and medical leave that it unveiled in President Donald Trump's 2018 budget request, calling the current proposal "inadequate" to meet working families' needs. [Read more »](#)

GOVERNMENT CONTRACTS

DOD Watchdog Says 'Buy American' Compliance Inconsistent

National Association of Home Builders

National Association of Manufacturers

National Right to Work Legal Defense Foundation

National Wildlife Federation

Natural Resources Defense Council

Netflix Inc.

New York Times Co.

Nike Inc.

Northern Dynasty Minerals Ltd.

PHH Corporation

Public Citizen Inc.

Sierra Club

Talen Energy Corp.

TechFreedom

Telecommunications Industry Association

Turner Broadcasting System Inc.

Twitter Inc.

U.S. Chamber of Commerce

Umpqua Holdings Corporation

United Continental Holdings Inc.

Wilderness Workshop

GOVERNMENT AGENCIES

Army Corps of Engineers

Bureau of Citizenship and Immigration Services

Bureau of Indian Affairs

Bureau of Land Management

California Environmental Protection Agency

Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians

Consumer Financial Protection Bureau

Cow Creek Band of Umpqua Tribe of Indians

Defense Logistics Agency

Federal Acquisition Regulatory Council

Federal Aviation Administration

Federal Communications Commission

The Defense Logistics Agency often does not comply with “Buy American” requirements in its procurements, the U.S. Department of Defense Office of Inspector General said in a report made public this week. [Read more »](#)

DOD Should Collect Data On Contract Incentive Fees: GAO

The U.S. Department of Defense should collect and analyze data on contract outcomes to determine whether an increased reliance on incentive fees over the past decade is improving contract performance, a report from the Government Accountability Office has found. [Read more »](#)

TAX

Ill. Appeals Court Upholds Block On Chicago-Area Soda Tax

An Illinois appeals court on Monday upheld a halt on Cook County’s penny-per-ounce soda tax, siding with a lower court ruling handing a restraining order to businesses that say the tax flouts the state constitution. [Read more »](#)

3 Portuguese Ministers Named In Free Soccer Trips Probe

Portugal’s attorney general named three junior ministers in charge of tax affairs, internationalization and industry as formal suspects Monday in a probe focusing on an energy company’s gifts of travel, meals and tickets to watch the country’s national soccer team play in last year’s European Championship. [Read more »](#)

IMMIGRATION

Immigrants, Advocates Sue To Stop Trump's Voter Database

Voters, immigrants and advocates launched another challenge to the Presidential Advisory Commission on Election Integrity in Florida federal court on Monday, accusing it of violating the right to vote under the First Amendment and constitutional and statutory privacy protections by requesting that states supply personal voter registration information to a centralized federal database. [Read more »](#)

Ariz. County Fights \$1.38M Fee Request In Migrant ID Case

Maricopa County, Arizona, told a federal judge on Monday that the \$1.38 million in attorneys’ fees sought by a migrants justice group and others in their suit that saw a permanent bar placed on the county sheriff’s use of work verification documents to conduct criminal prosecutions for identity theft or forgery was unreasonable. [Read more »](#)

NATIVE AMERICAN

House OKs Bills Taking Tribal Lands Into Trust

The House on Tuesday passed a series of bills formally placing lands into trust or granting them to various tribes in California and other western states, paving the way for development on those lands that could include housing, hotels and even a winery — but with bans on gambling. [Read more »](#)

TELECOMMUNICATIONS

Chamber Signs Letter Opposing Broadband As Public Utility

The U.S. Chamber of Commerce and several trade associations wrote a letter to the Federal Communications Commission Tuesday supporting efforts to repeal Obama-era net neutrality regulations, asserting that a free and open internet

Federal Energy Regulatory Commission
Federal Railroad Administration
Federal Trade Commission
Federal Transit Administration
Food and Drug Administration
Government Accountability Office
Maritime Administration
National Highway Traffic Safety Administration
National Railroad Passenger Corporation
National Security Agency
Occupational Safety and Health Administration
Port Authority of New York & New Jersey
U.S. Army
U.S. Attorney's Office
U.S. Customs and Border Protection
U.S. Department of Defense
U.S. Department of Homeland Security
U.S. Department of Justice
U.S. Department of Labor
U.S. Department of Transportation
U.S. Department of the Interior
U.S. Department of the Treasury
U.S. Environmental Protection Agency
U.S. Office of Personnel Management
U.S. Senate
U.S. Supreme Court

does not equate to imposing public utility-style restrictions on broadband providers. [Read more »](#)

Microsoft To Use TV 'White Spaces' To Extend Net Service

Microsoft announced Monday it is moving forward with a plan to repurpose gaps between channels on TV-licensed spectrum as a way to extend internet service in rural areas, but at least one industry group says the software giant is just seeking an advantage after it refused to participate in a spectrum auction. [Read more »](#)

Congress Best Suited To Mediate Net Neutrality, Group Says

Telecom advocacy group TechFreedom on Tuesday criticized an online protest planned for Wednesday to defend net neutrality rules as a movement that ignores the issue at the core of internet freedom, saying the push for FCC action is shortsighted and that congressional legislation is what's truly needed. [Read more »](#)

EXPERT ANALYSIS

CFPB Arbitration Rule Increases Class Action Risk

If it becomes effective, a controversial new final rule issued by the Consumer Financial Protection Bureau on Monday will make it easier for consumers to bring class action lawsuits against financial companies. However, the CFPB has been targeted by the current administration, and Congress is empowered to override the rule, say attorneys with Holland & Knight LLP. [Read more »](#)

Ex-NAD Director Looks Back On 20 Years And 2,600 Decisions

Reflecting on over two decades at the National Advertising Division, it's hard to discern any clear pattern regarding the type of products, legal issues or the sheer number of cases that came before us. Looking ahead, with advertising metamorphosing into so many different formats, I think identifying "what is advertising" is going to be the biggest challenge, says Andrea Levine, former director of the National Advertising Division. [Read more »](#)

Welcomed Changes For Cos. Hiring Foreign Talent: Part 1

A new immigration regulation that went into effect earlier this year provides for greater flexibility in the ways U.S. employers can recruit and sponsor foreign professionals for temporary visas and U.S. permanent residence. In this three-part series Andrew Greenfield of Fragomen, Del Rey, Bernsen & Loewy LLP discusses how the new rules will impact various aspects of employers' recruiting and sponsorship practices. [Read more »](#)

LA Leads The Way With Draft Commercial Cannabis Regs

Los Angeles' City Council recently released proposed regulations governing commercial cannabis activity in the city, and the Department of City Planning released a draft ordinance proposing land use requirements for the cannabis industry. It is likely that other cities in California will look to Los Angeles' regulations as a basis for enacting their own laws, says Michael Rosenblum of Thompson Coburn LLP. [Read more »](#)

5 Questions To Ask Firm Before Accepting A Litigation AFA

Outside counsel experienced with alternative fee arrangements will have many war stories regarding successful — and less successful — fee arrangements. Asking outside counsel to share these experiences can provide useful insight into the strength of a proposed AFA, say attorneys with WilmerHale. [Read more »](#)

LEGAL INDUSTRY

Judge Slams Sessions, Union Attys For Sloppy Briefs

Seventh Circuit Chief Judge Diane P. Wood issued a stern warning Tuesday to attorneys filing sloppy jurisdictional statements, striking a brief filed by U.S. Attorney General Jeff Sessions and another filed by attorneys for a pilots union as a reminder that briefs must be "complete and correct." [Read more »](#)

Law Firm Leaders Confident In Next 6 Months, Survey Says

Law firm managers are looking forward to the second half of 2017 with more confidence across the board than they did the previous six months, according to the results of a survey by Citi Private Bank's law firm group released on Tuesday. [Read more »](#)

DC Circ. Judge Janice Rogers Brown To Retire

Judge Janice Rogers Brown will retire from the U.S. Circuit Court of Appeals for the D.C. Circuit, paving the way for President Donald Trump to appoint a new member to the nation's second-highest court. [Read more »](#)

Ex-Novak Partners Ink Wage Deal, Eye Polsinelli To Collect

Two former Novak Druce Connolly Bove & Quigg LLP partners have inked a \$500,000 settlement in their wage dispute with the troubled firm, and their attorney told Law360 on Tuesday he may pursue their former partners or Polsinelli PC, where many moved, in order to collect. [Read more »](#)

Ashurst, Akin Gump Continue London Pay Increases

Salaries for budding lawyers continue to climb in London, with Ashurst LLP bumping pay for newly minted attorneys to £72,000 (\$92,515) a year, among other increases, and Akin Gump Strauss Hauer & Feld LLP giving a boost to its trainees in the city, the firms confirmed to Law360 on Tuesday. [Read more »](#)

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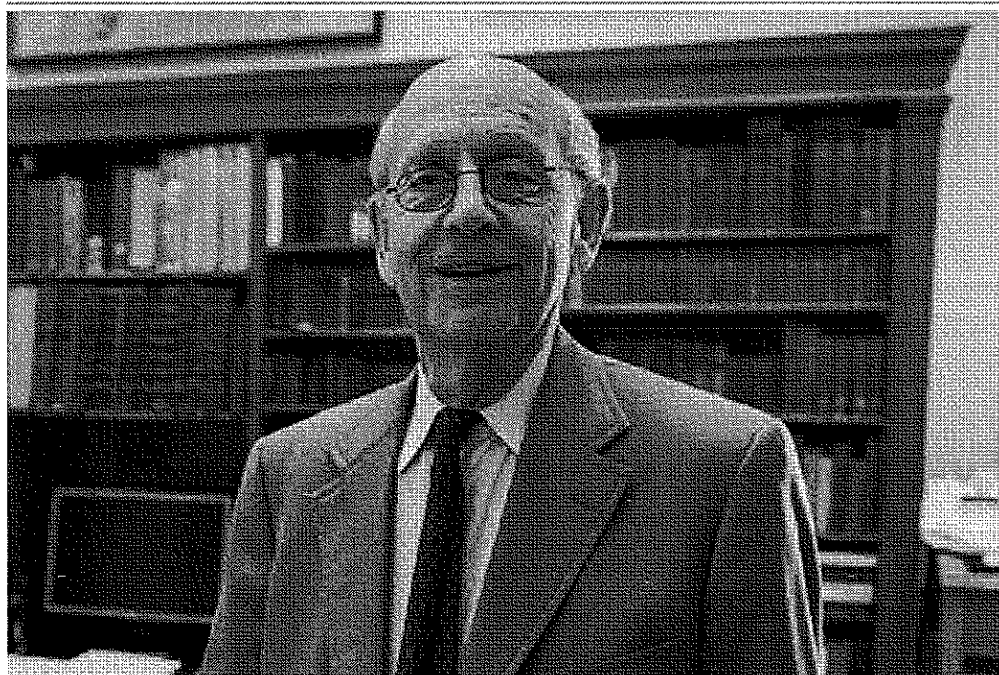
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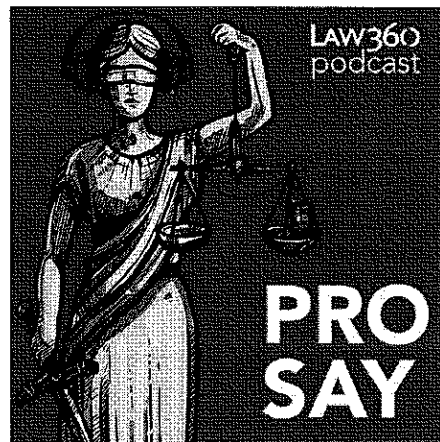
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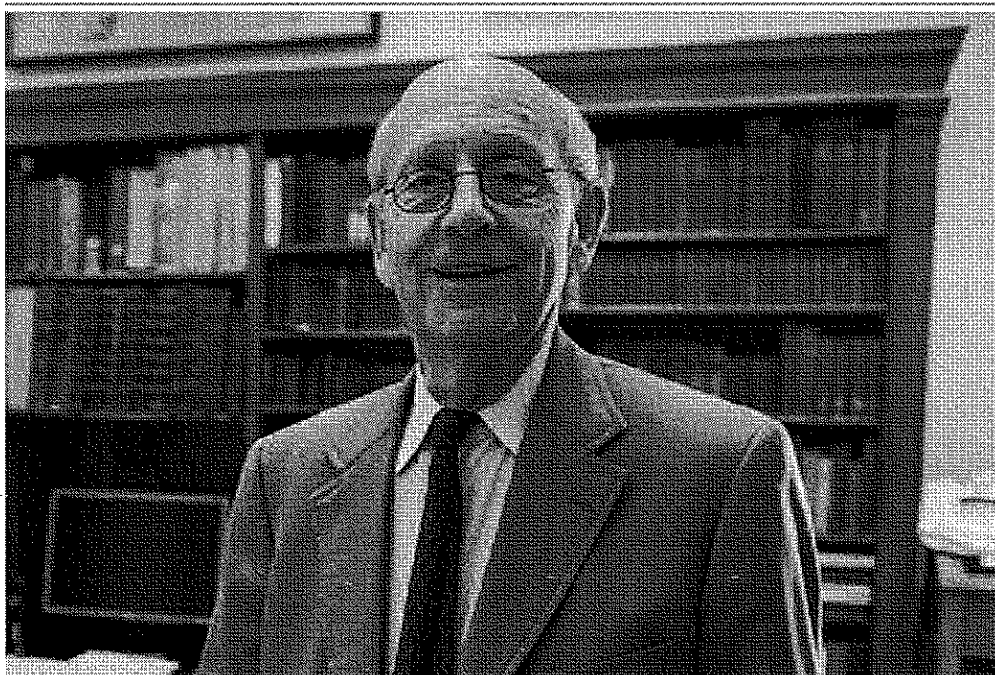
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Justice Stephen Breyer discusses the Supreme Court's role as a check on executive authority and the global influence on U.S. courts, in the first of two articles based on an exclusive interview with the justice. [Read more »](#)

TOP NEWS

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Arbitration Rule Shows CFPB Unafraid Of Payday Reg Fight

The Consumer Financial Protection Bureau surprised observers when it released a rule curtailing the use of mandatory arbitration clauses despite the risk that Congress would nullify it, and experts say that means an equally contentious rule on payday lending could be on its way. [Read more »](#)

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Wednesday, August 30, 2017



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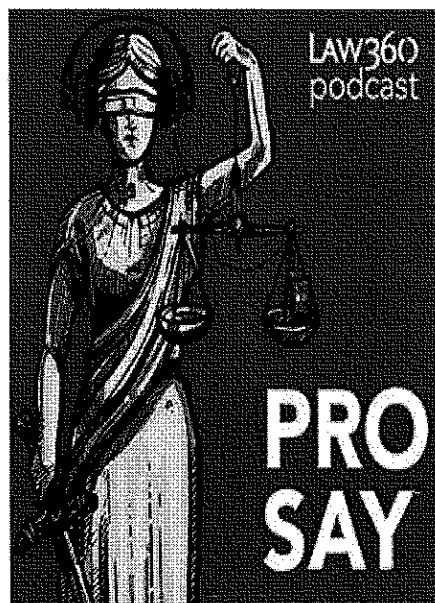
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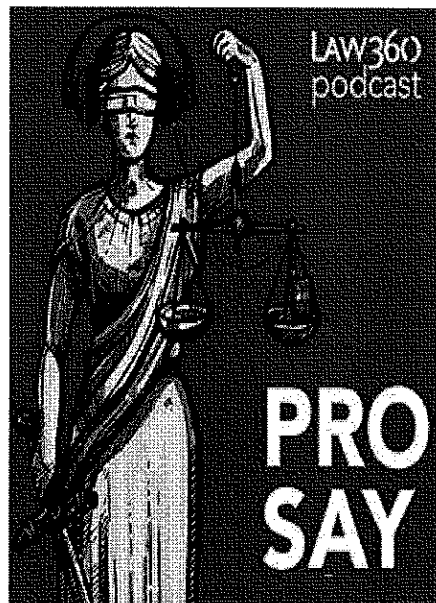
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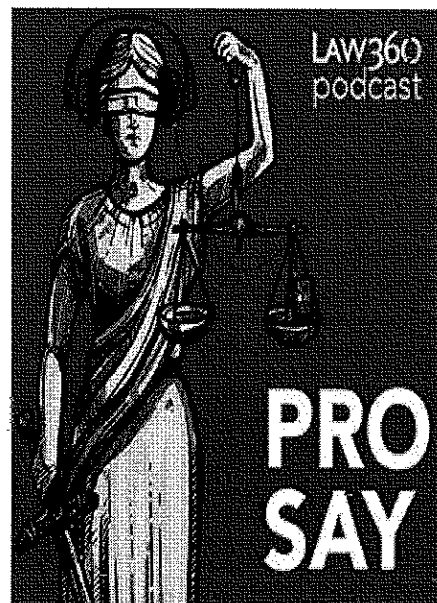
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Calpine Corporation
Chicago Cubs
Comcast Corporation
Dynegy Inc.
Exelon Corporation
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Home Depot, Inc.
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NFL Enterprises LLC
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National Right to Work Legal Defense Foundation
National Rural Electric Cooperative Association
PJM Interconnection LLC
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Talen Energy Corp.
Twitter Inc.
U.S. Chamber of Commerce
Uber Technologies Inc.
United States Telecom Association
United Steelworkers

GOVERNMENT AGENCIES

Bureau of Citizenship and Immigration Services
Centers for Medicare & Medicaid Services
Department of Commerce
Equal Employment Opportunity Commission

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Executive Office of the President
Federal Communications Commission
Federal Energy Regulatory Commission
Federal Trade Commission
Food and Drug Administration
Government Accountability Office
National Highway Traffic Safety Administration
National Marine Fisheries Service
National Oceanic and Atmospheric Administration
National Security Council
New York Attorney General's Office
New York State Board of Elections
New York State Department of Financial Services
Occupational Safety and Health Administration
Securities and Exchange Commission
U.S. Consumer Product Safety Commission
U.S. Customs and Border Protection
U.S. Department of Defense
U.S. Department of Health and Human Services
U.S. Department of Justice
U.S. Department of Labor
U.S. Department of Transportation
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To: Rep07
Subject: H-1B Petitioners Hit With Surprise Scrutiny Increase



Wednesday, August 30, 2017



TOP NEWS

Analysis

H-1B Petitioners Hit With Surprise Scrutiny Increase

With the Trump administration ramping up scrutiny of the H-1B visa program for skilled foreign workers, immigration attorneys say they're seeing an increase in government requests for evidence on H-1B petitions, with extra attention paid to those that offer entry-level wages. [Read more »](#)

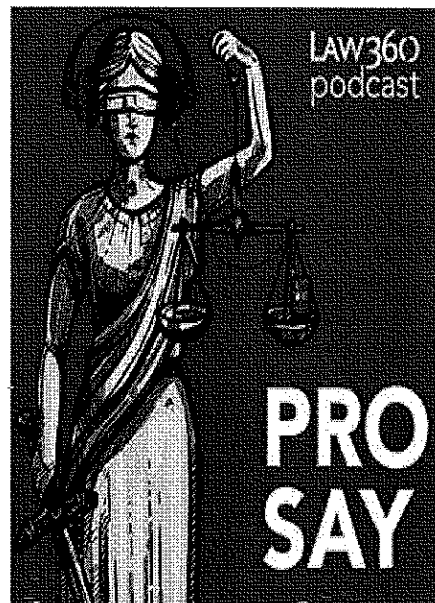
Fed. Circ. Hammers Gov't Defense Of 'Scandalous' TM Ban

A Federal Circuit panel tore into the U.S. government's defense of a law banning the registration of "scandalous and immoral" trademarks on Tuesday, asking why that prohibition should stand after one for "disparaging" marks was just scrapped by the U.S. Supreme Court under the First Amendment. [Read more »](#)

Analysis

DOL's OT Rule Strategy May Leave Employers In Limbo

The U.S. Department of Labor's decision not to ask the Fifth Circuit to pause a challenge to an injunction freezing the Obama administration's controversial overtime rule while the agency crafts a replacement means the 2016



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regulations could get a green light before a replacement rule is ready, creating a potential compliance nightmare for employers. Read more »

9th Circ. Enjoins Seattle's Uber, Lyft Union Law

Two Ninth Circuit judges Tuesday temporarily granted the U.S. Chamber of Commerce an emergency injunction blocking a Seattle ordinance allowing for-hire drivers at companies such as Uber and Lyft to unionize, as the court considers a motion to stay the case, pending an appeal of a district court order dismissing the suit. Read more »

'Emerging Growth' Cos. Urged To Brace For More Scrutiny

Now that the Jumpstart Our Business Startups Act is more than 5 years old, a financial executives group is urging "emerging growth" companies to prepare for more rigorous scrutiny as certain benefits the law provides to encourage younger issuers to go public begin to expire. Read more »

OMB Pushes Pause On EEOC Pay Data Collection

The Office of Management and Budget on Tuesday paused the U.S. Equal Employment Opportunity Commission's collection of pay data from businesses' employer information reports, calling some aspects of the recently expanded collection "unnecessarily burdensome." Read more »

Biz Group Wants Phone Database To Cut TCPA Suits

The U.S. Chamber of Commerce, Comcast Corp. and others Monday applauded the Federal Communications Commission's efforts to create a database of phone numbers that have been reassigned to new consumers to help businesses avoid ringing people who don't want to be called, but expressed concern

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Morgan Lewis

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Quinn Emanuel

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Sedgwick LLP

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Apple Inc.

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about the potential for "abusive litigation." = 2
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ENERGY & ENVIRONMENTAL

III. Nuke Subsidy Plan Flouts Feds, 7th Circ. Told

An Illinois federal judge wrongly backed the state's plan to subsidize struggling nuclear power plants, which clearly usurps federal authority over wholesale electricity markets, a coalition of independent power producers told the Seventh Circuit on Monday. [Read more »](#)

TRANSPORTATION & INFRASTRUCTURE

NHTSA Has Hazy Role In Connected-Car Privacy, Report Says

Automakers and regulators have taken steps to address privacy concerns associated with connected vehicles, but the National Highway Traffic Safety Administration must better define its yet-unclear role in protecting the implicated data, according to a U.S. Government Accountability Office report released Monday. [Read more »](#)

EMPLOYMENT

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National Rural Electric Cooperative Association
PJM Interconnection LLC
Snap Inc.
Talen Energy Corp.
Twitter Inc.
U.S. Chamber of Commerce
Uber Technologies Inc.
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National Security Council
New York Attorney General's Office
New York State Board of Elections
New York State Department of Financial Services
Occupational Safety and Health Administration
Securities and Exchange Commission
U.S. Consumer Product Safety Commission
U.S. Customs and Border Protection
U.S. Department of Defense
U.S. Department of Health and Human Services
U.S. Department of Justice
U.S. Department of Labor
U.S. Department of Transportation
U.S. Department of Veterans Affairs
U.S. House of Representatives
U.S. Immigration and Customs Enforcement
U.S. Patent and Trademark Office
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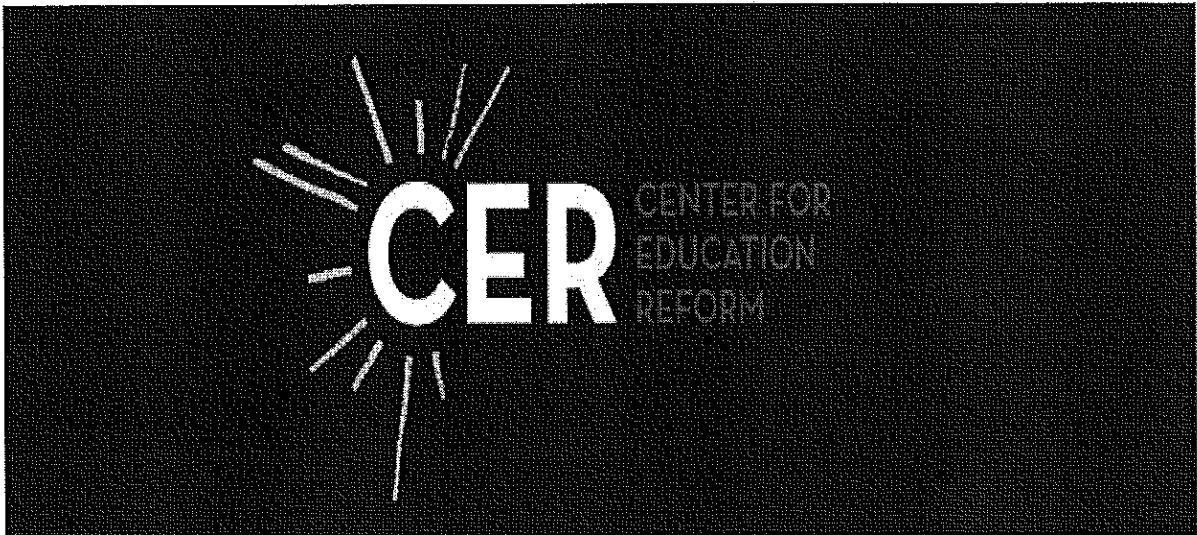
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October 4, 2017

Memo to Reporters

From: Jeanne Allen, founder & CEO, the Center for Education Reform

Re: U.S. Supreme Court case holds promise for teacher freedoms

Leaders of organizations and schools across the education reform arena are enthusiastic that on Thursday, September 28, the Supreme Court of the United States (SCOTUS) agreed to hear arguments in *Janus v. AFSCME*. The case was brought forth by Mark Janus, an Illinois Department of Healthcare and Family Services public employee who believes that forced unionism and the mandatory paying of fees violates his First Amendment rights. A favorable outcome in *Janus* could pave the way for a loosening on the stranglehold of other public sector employees compelled to pay mandatory union fees. Public school teachers, in particular, stand to benefit from the freedom that would allow them to make their own decisions as to whether or not they pay union dues and fees.

TOP 5 TAKEAWAYS IF SCOTUS RULES IN FAVOR OF *JANUS*:

- Free millions of workers – public school teachers included – from compelled association—a clear violation of the First Amendment
- Millions of workers will no longer be compelled to pay union fees when opting out of union representation
- In addition to more take-home pay, teachers will have more freedom to innovate when opting out of mandated association with teachers' unions
- A pro-*Janus* ruling will have no impact on the ability for unions to organize and function
- The union-employee relationship should improve as unions will demonstrate their value to existing and future members

The case has been winding its way through Federal courts since early 2015 and was stayed pending an outcome in *Friedrichs v. California Teachers Association*, a case that was deadlocked 4-4 after the tragic passing of Justice Antonin Scalia. While the *Janus* case was initially dismissed by U.S. District Court after that *Friedrichs* ruling, the employees, backed by the National Right to Work Foundation, appealed to the 7th U.S. Circuit Court of Appeals in October 2016 which, as expected, upheld the lower court's decision – paving the way for an appeal to the U.S. Supreme Court. On June 6, 2017, a petition for Writ of Certiorari was filed and later accepted by SCOTUS. Now the 40-year old ruling in *Abood v. Detroit Board of Education* which created the current system allowing mandatory fees paid to public unions could very well be overturned.

It's important to note that the case started with an executive order issued by Illinois Governor Bruce Rauner, who sought to abolish mandatory collective bargaining pending review of its constitutionality. Since 2012, six states have passed laws strengthening workers' rights and freedom from having to pay

mandatory union fees. What is most notable is at least three of these states are “blue-to-purple” states with historic ties to organized labor, including Michigan, Wisconsin and West Virginia. Following these laws, teachers’ union membership dropped 20% in Michigan and 58% in Wisconsin. More state policymakers throughout the country are focused on the upcoming *Janus* case review. With teachers’ union-driven pension rules and union-backed laws that protect uniform pay scales, eschew performance pay and mandate teacher tenure, the elimination of mandatory fees could impact the unions’ ability to wage political battles to defend their turf and oppose proposals that put student achievement and parental choice at the center of every education improvement effort.

CER believes that the *Janus* case holds great potential for employees and could dramatically improve union-employee relationships. Overturning *Abood* will allow for teachers to associate as they see fit, providing teachers more freedom and independence to better serve their students. This will not bar union organizing but ensure unions prove their value to each member. Unions should celebrate the opportunity to prove their value to employees rather than relying on mandatory fees.

Instead, it is evident by the recent teachers’ union attacks on education reform that the unions fear the freedom *Janus* may bring to teachers, particularly as their funds are declining. Randi Weingarten, president of the American Federation of Teachers, the nation’s second-largest teachers’ union, has also scoffed at the idea that teachers are entitled to the same First Amendment rights as other employees.

Historically, public support for mandatory agency fees is low, and most Americans are unaware that teachers are pressured to join unions and forced to pay union fees even when they decline to join. A June 2017 survey by Education Next found that teachers oppose mandatory fees 47% to 44%, while the general public is 44% to 37% opposed.

As the public’s attention turns to *Janus v. AFSCME*, it is important to note that this case is bigger than one public employee or one union – this case could improve

the learning experience for students by dramatically empowering teachers nationwide, and change the course of American education.

Members of the media interested in writing about this in any aspect, CER's team can provide insights and commentary, and connect reporters with parents, teachers and those on the ground who will be most affected by the outcome of the case.

MEDIA CONTACT: Tim Sullivan, *Chief Communications Officer*
tim@edreform.com | (443) 532-2445

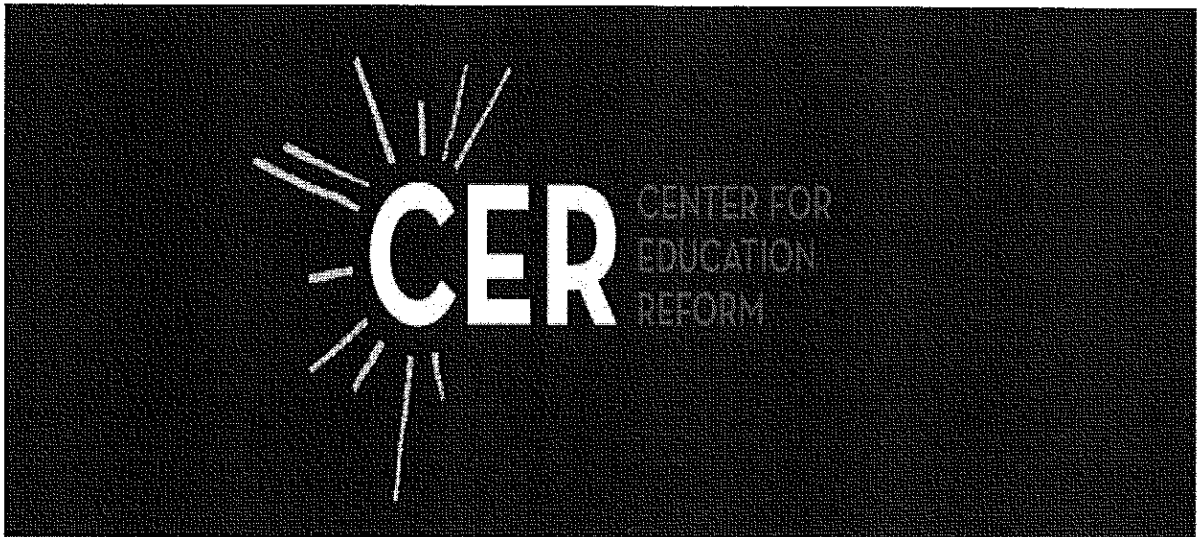
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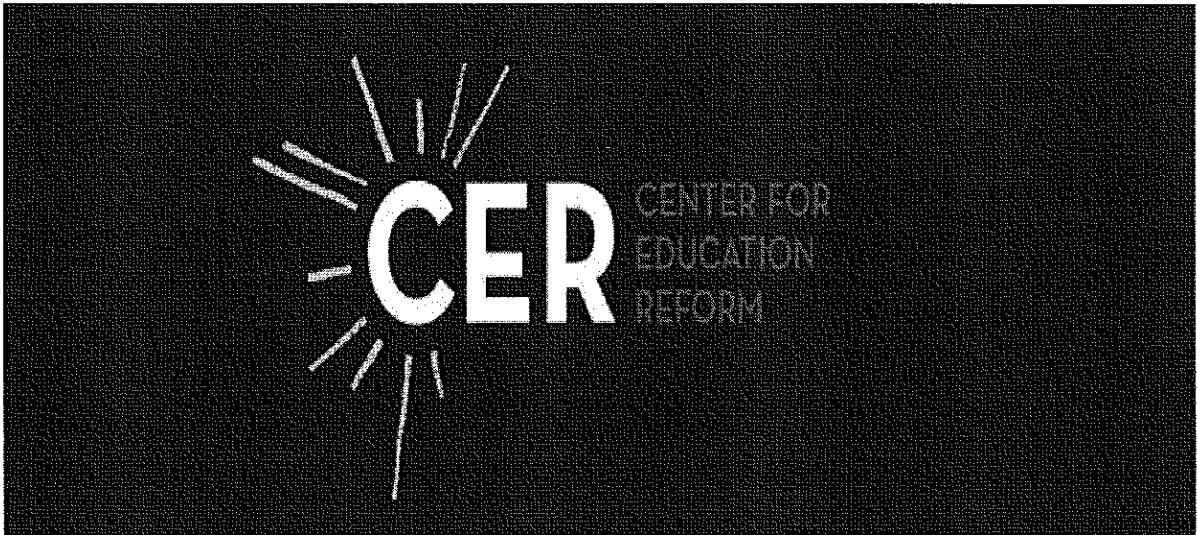
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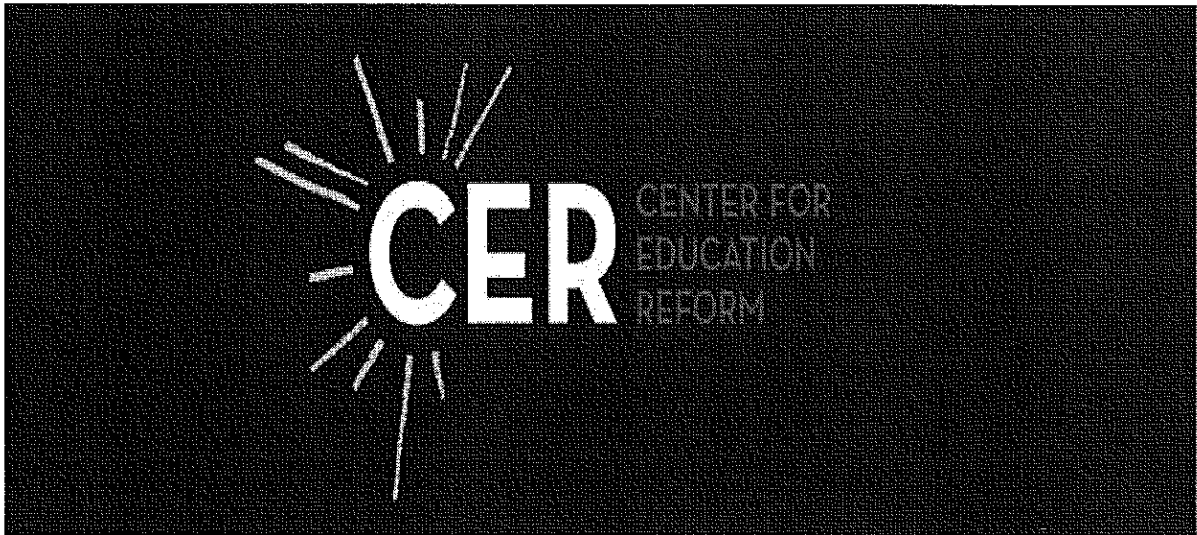
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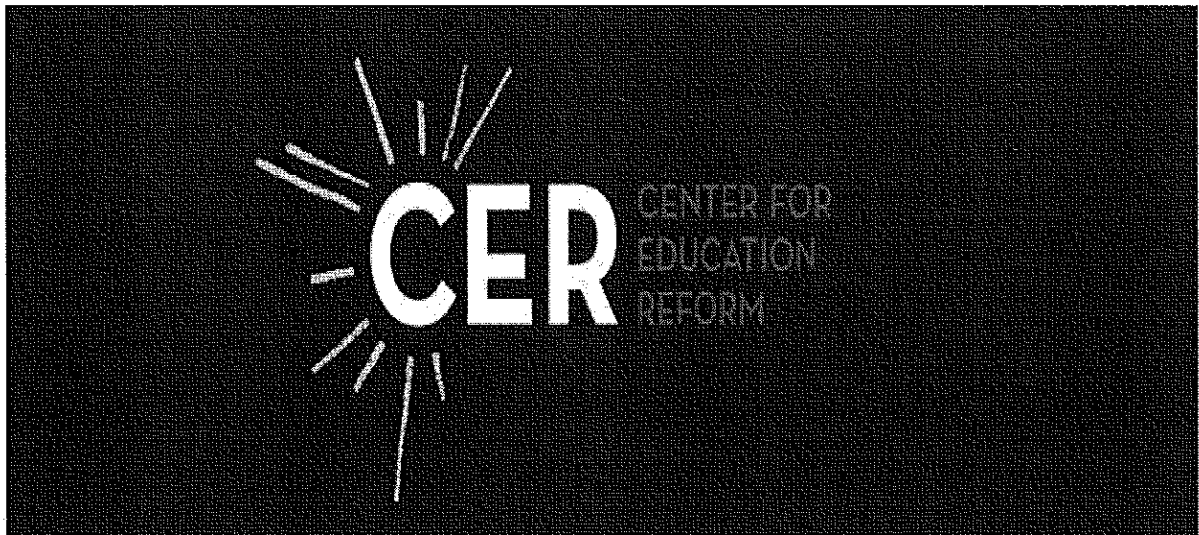
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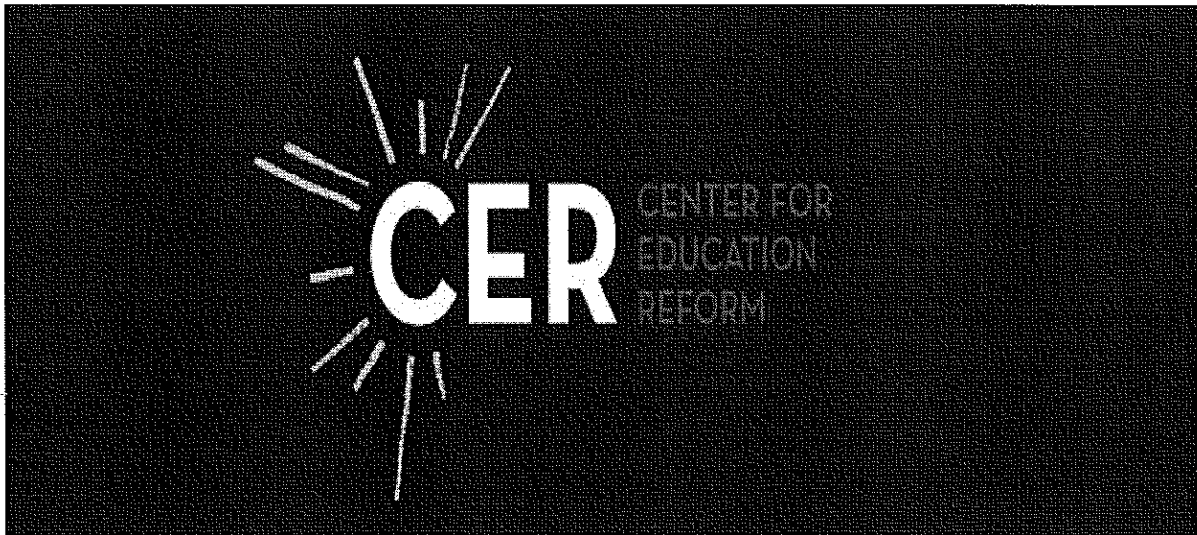
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From: Public Policy Law360
Sent: Tuesday, January 16, 2018 5:29 AM
To: Rep07
Subject: Law360 Names Practice Groups Of The Year



Tuesday, January 16, 2018



TOP NEWS

Law360 Names Practice Groups Of The Year

Law360 congratulates the winners of its 2017 Practice Group of the Year awards, which honor the law firms behind the litigation wins and major deals that resonated throughout the legal industry in the past year. [Read more »](#)

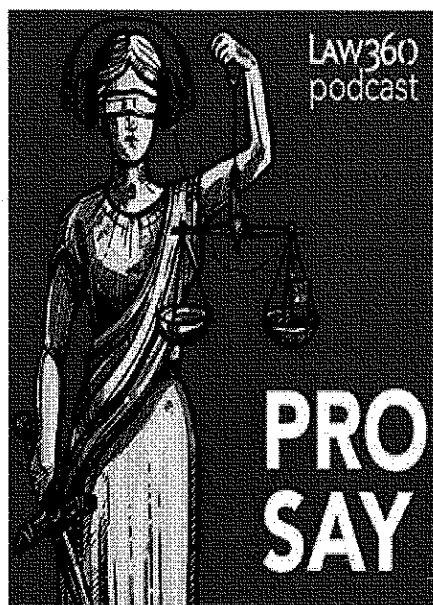
The Firms That Dominated In 2017

Law360's Firms of the Year rose above the competition with a combined 24 Practice Group of the Year awards after helping their clients win game-changing judgments and close record-breaking deals in 2017. Here's a closer look at how they landed at the top. [Read more »](#)

Analysis

Ex-US Attys Say Justice Best Served By Diverse Group

Former U.S. attorneys interviewed by Law360 said that having a diverse group of people in the job does more than contribute to positive perceptions of the Department of Justice: it can build bridges, prevent abuse and help DOJ leadership make better decisions. [Read more »](#)



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Baker McKenzie

Gov't Must Pay Halted ACA Funds, Insurer Says

The Trump administration indisputably flouted the Affordable Care Act by cutting off millions of dollars in reimbursement for reduced copays and deductibles, a nonprofit health insurer told the U.S. Court of Federal Claims on Friday. [Read more »](#)

No Major Changes Needed For Tax Bill, Speaker Ryan Says

House Speaker Paul Ryan, R-Wis., acknowledged in an interview that aired Friday that Congress likely will need to make technical corrections to the \$1.5 trillion tax bill passed by Congress at the end of last year but added that any changes made likely would be small. [Read more »](#)

Trump Extends Iran Sanctions Waiver But Wants Deal Remade

President Donald Trump has again extended a sanctions waiver granted to Iran under the 2015 nuclear deal, saying Friday it's the final time he will do so unless the deal is significantly overhauled, as his administration announced additional sanctions against certain Iranian and related entities. [Read more »](#)

Drug, Device Makers Cheer As FDA Punts Off-Label Policy

The U.S. Food and Drug Administration on Friday once again delayed a controversial new policy related to off-label promotion, drawing cheers from drug and device makers that have decried the agency's approach. [Read more »](#)

BANKING & SECURITIES

Supreme Court Agrees To Review SEC's In-House Judges

The U.S. Supreme Court agreed Friday to consider whether the hiring of U.S. Securities and Exchange Commission administrative law

BakerHostetler
Ballard Spahr
Bancroft PLLC
Bangs McCullen
Barnes & Thornburg
Beasley Allen
Beveridge & Diamond
Bowman and Brooke
Bracewell
Brach Eichler
Brann & Isaacson
Bredhoff & Kaiser
Caplin & Drysdale
Cleary Gottlieb
Cohen Milstein
Covington & Burling
Crowell & Moring
Cullen Law Firm
Davis Polk
Davis Wright Tremaine
Debevoise & Plimpton
Dentons
Dewey & LeBoeuf
Doar Rieck
Downs Rachlin
Duane Morris
Earthjustice
Emery Celli
Epstein Becker Green
Faegre Baker
Fenwick & West
Fish & Richardson
Fredericks Peebles
Freshfields
Fried Frank
Gibson Dunn
Goldstein & Russell
Goodwin

judges violates the appointments clause of the Constitution, a case that could call into question the legitimacy of past rulings by the administrative judges. [Read more »](#)

Credit Union Argues It Has Power To Challenge CFPB Role

A New York credit union on Friday attempted to convince a federal judge that it has the power to bring a lawsuit seeking to challenge President Donald Trump's appointment of a White House official to lead the Consumer Financial Protection Bureau on an acting basis. [Read more »](#)

ENERGY & ENVIRONMENTAL

Researcher Sues EPA For Access To Officials' Emails

An environmental researcher and Harvard University librarian on Friday sued the U.S. Environmental Protection Agency, alleging it has improperly withheld emails he requested between Administrator Scott Pruitt and his chief of staff, as well as other employees. [Read more »](#)

Coastal Senators Seek Ban On Drilling In Northeastern US

A bipartisan congressional delegation representing the northeastern U.S. this week mounted legislative action aiming to shield the nation's pre-eminent fishing region from a White House plan that would open nearly all American waters to oil and gas drilling next year. [Read more »](#)

Fracking Case Now Moot, Ute Indian Tribe Tells 10th Circ.

The Ute Indian Tribe on Thursday told the Tenth Circuit that an appeal of a lower court order striking down the U.S. Bureau of Land Management's strengthening of regulations for fracking on federal and Native American lands should be tossed, saying the case is moot

Greenberg Traurig
Gupta Wessler
Hogan Lovells
Holland & Knight
Horwood Marcus
Hughes Hubbard
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McDermott Will
McKool Smith
Morgan Lewis
Morrison & Foerster
Munger Tolles
Norton Rose Fulbright
O'Melveny & Myers
Ogletree Deakins
Oles Morrison
Outten & Golden
Park Jensen Bennett
Paul Hastings
Paul Weiss
Perkins Coie
Pillsbury Winthrop
Proskauer Rose
Quinn Emanuel
Reed Smith
Robbins Geller
Ropes & Gray
Seeger Weiss

because the rule at issue has been axed. Read more »

GOP Enviro Leaders Support Clean Power Plan Rollback

A group of Senate Republicans told the U.S. Environmental Protection Agency in a letter on Friday that they were on board with the agency's proposal to repeal the Obama-era Clean Power Plan, saying the plan would be disastrous for American communities and jobs. Read more »

Pa. Court Limits Review Over State's Use Of Gas Lease Funds

Following a landmark Pennsylvania Supreme Court ruling last year limiting the state's use of payments from gas leases on public lands, a panel of judges has said that further review in the dispute will not include whether the funds can be put toward a conservation agency's operating costs. Read more »

TRANSPORTATION & INFRASTRUCTURE

DC Circ. Partly Revives Truckers' DOT Safety Records Suit

The D.C. Circuit on Friday rejected most of a suit from independent commercial truck drivers alleging the U.S. Department of Transportation mishandled safety citation records that can hurt truckers' job prospects and business reputations, saying there wasn't enough proof of actual harm, but revived two drivers' claims. Read more »

INSURANCE

Fla. House Passes Bill Aimed At 3rd-Party Insurance Payouts

The Florida House of Representatives on Friday passed a bill designed to curtail perceived abuses of a system that allows repair contractors to pursue payment directly from property owners' insurance carriers,

Seyfarth Shaw
Sidley Austin
Simpson Thacher
Skadden
Steptoe & Johnson LLP
Stradley Ronon
Sullivan & Cromwell
Susman Godfrey
Venable LLP
Vinson & Elkins
Weil Gotshal
White & Case
Wiley Rein
Williams & Connolly
Willkie Farr
WilmerHale
Wilson Sonsini
Winston & Strawn
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Association of Corporate Counsel
Avalara Inc.
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Bank of America Corporation